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COLLECTANEA CURIOSA;

OR

MISCELLANEOUS TRACTS,

RELATING TO THE

HISTORY AND ANTIQUITIES

OF

ENGLAND AND IRELAND,

THE UNIVERSITIES OF OXFORD AND CAMBRIDGE,

AND A VARIETY OF OTHER SUBJECTS.

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IN TWO VOLUMES.

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VOLUME THE FIRST.

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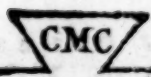
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AND  
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BY THEIR MUCH OBLIGED,  
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Oct. 10, 1781.

JOHN GUTCH.

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THE HONORABLE AND REVEREND

THE WARDENS

AND

THE FELLOWS

OF ALL SOULS COLLEGE

UNIVERSITY OF OXFORD

THAT TWO VOLUMES

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Rev. William Jackson, M. A. Stud. of Ch. Ch. Oxford.  
Thomas Cooper, Esq; }  
Mr. Mapleton, Surgeon, } Henley on Thames, Oxfordshire.  
Richard Gough, Esq; F. R. & A. SS.



SUBSCRIPTIONS

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**A**N INTRODUCTION to the following  
Collection of Miscellaneous Papers may  
perhaps be deemed unnecessary, as a short  
account of many of them is given in the  
Contents.

But the Editor thinks it may not be  
improper to prefix some Extracts from  
the Biographia Britannica, &c. respecting  
Archbishop Sancroft, from whose MSS  
this Miscellany is chiefly compiled: To  
which he is happy in having it in his power  
to add a curious Letter concerning that Pre-  
late, which has not yet been published.

At the same time he is bound to make his  
grateful acknowledgments to some worthy  
friends for their kind assistance in this un-  
dertaking, as well as for the generous pa-  
tronage of so numerous and so respectable a  
List of Subscribers, by which he has been  
enabled to bring it forward to public view.

His chief acknowledgments are due to a  
most valuable friend, lately deceased, the  
learned



learned and ingenious Dr. Buckler, Fellow of All Souls, and Keeper of the Archives in the University of Oxford, who first suggested the idea of this Publication, with a promise of his assistance. And from his well known abilities, particularly his knowledge in Antiquities, it would no doubt have been rendered more deserving of the approbation of the learned.

The death of that worthy man was not only a private misfortune to the Editor, of which he is deeply sensible, but was also a public loss to every lover of polite Literature, and to the University of Oxford in particular. It was through his communication that this Collection is enriched, besides two other MSS\*, with a piece of antiquarian Criticism by the late Sir William Blackstone, with whom he lived in the most intimate friendship.

The Editor cannot neglect this opportunity of testifying his obligations to the present Keeper of the University Archives for his very friendly communications.

And likewise to the Bodleian Librarian for the use of some curious MSS in his own private possession.

\* In Vol. II, p. 53, and 347.

Great care has been taken in this work not to insert any thing that has already appeared in print, without making a due acknowledgment from whence it was taken.

A few of the Papers concerning the Revolution have been published in the Appendix to the State Letters and Diary of Henry Earl of Clarendon; but the addition of some original Letters, as well as a design of placing in one point of view several important and interesting transactions of that memorable era, 1688, will, it is hoped, be a sufficient apology for a republication of them in this Miscellany.

And here it may not be improper to make the following Extract from the Editor's Preface to the above State Letters.

“THESE Papers need little or no commentary. Many of them do honor to the characters of those Prelates, whose spirited behavior, in the affair of their Petition against reading the Declaration, roused the great body of the Nation from the lethargy, they had too long been in, and contributed, more than any other transaction of those times, to the happy change which soon after happened. But what passed between King James, and the seven Bishops, with regard to their signing the Petition, is more generally known, than what passed between his Majesty and some of his Bishops\* concerning the abhor-

\* Cant. Lond. Roch. and Peterb.



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“rence of the Prince of Orange’s design. Bishop  
 “Sprat has indeed given us, in his second Letter  
 “to the Earl of Dorset, \* a general account of  
 “what passed in the King’s closet, on that memo-  
 “rable occasion. But his more extended and par-  
 “ticular relation of it, now first published in our  
 “Appendix, and Archbishop Sancroft’s own very  
 “curious Journal of that transaction, will be re-  
 “ceived as most valuable accessions to the history  
 “of King James’s reign.”

“But of all the papers which enrich the Appen-  
 “dix, the Dispensation to Massey Dean of Christ-  
 “church is the most remarkable; as the existence  
 “of any such Dispensation seems to have escaped  
 “the enquiries of every Historian of King James’s  
 “reign. When Bishop Burnet tells us † that ‘the  
 “Deanery of Christchurch was given to Massey, one  
 “of the new converts:—who at the first went to  
 “prayers in the Chapel, but soon after declared  
 “himself more openly;’ by this lame account the  
 “Bishop allows his readers to believe that some ap-  
 “pearances were saved, and that Massey had not  
 “absolutely disclaimed Protestantism, till after he  
 “was in possession of his Deanery. But we now  
 “know the contrary; and future Historians will  
 “justly treat the Dispensation granted to this Po-  
 “pish Dean of Christchurch as the most alarming  
 “of all the attacks made by King James the se-  
 “cond on the Constitution.”

“In the affair of Magdalen College, the rights  
 “of a private corporation only were invaded; and  
 “though nothing could be more illegal than the  
 “proceedings of the King in this business, he could  
 “however appeal to precedents of such interposi-

\* From p. 44 to p. 49.

† History of his own time : p. 696, Vol. I.

" tions of the Crown, in former times, and insist  
 " that he had done little more, in forcing a Presi-  
 " dent on Magdalen College, than Queen Eliza-  
 " beth had done, in forcing a Chancellor on the  
 " University of Oxford.\*—In other instances, when  
 " King James exercised his dispensing power, to  
 " qualify Papists for civil or military employments,  
 " the Church of England was still left in full pos-  
 " session of its establishment. But in the case of  
 " Massey, there was a formal attack upon every  
 " part of the constitution; and it is as strange as it  
 " is certain that, at the very time, when nothing  
 " more was attempted in Ireland against the estab-  
 " lished Church there, than by keeping some of  
 " the Bishopricks vacant, the Deanery of Christ-  
 " church in Oxford, one of the first Dignities of  
 " the Church of England, should be conferred on  
 " a Papist.—Bishop Burnet dates the lawfulness of  
 " resistance to King James from his treatment of  
 " the seven Bishops, in 1688, which 'satisfied him,'  
 " he says, 'that a total destruction of our constitu-  
 " tion was designed.'† Had he known any thing of  
 " Massey's Dispensation he might have satisfied  
 " himself of the King's intentions near two years  
 " sooner; for this important paper, which seems to  
 " have been industriously secreted at the time, bears  
 " date Dec. 16, 1686; and it appears from the  
 " Chapter Books of Christchurch, that Massey pro-  
 " duced and pleaded it on Dec. 29, 1686, and  
 " was admitted Dean by Dr. Aldrich, Sub-Dean."

\* " This happened in 1591, when Queen Elizabeth put her  
 negative on the Earl of Essex, whom the University would have  
 chosen. Murden has published some curious letters in his Col-  
 lection, concerning this anecdote, which seems to be little known."

Murden's Collection of State Papers, pp. 649, 650.

† See his History, Vol. I. p. 745.

A R E.



A  
R E V I E W  
OF THE  
LIFE AND CHARACTER  
OF  
ARCHBISHOP SANCROFT.

**D**R. William Sancroft, Archbishop of Canterbury, was born January 30, 1616, at Fressingfield in the County of Suffolk; which place was the ancient estate and residence of his ancestors above 300 years.

When arrived to the eighteenth year of his age; he was sent to Emmanuel College, Cambridge, and matriculated in the University July 3, 1634; where, in 1637, he took the Degree of B. A. and that of M. A. in 1641: and the year following was elected Fellow of his College, and took the Degree of B. D. in 1648, but for refusing to take the Covenant was ejected from his Fellowship in the year 1649. Upon that he went and travelled beyond-sea, where he became intimately acquainted with the most considerable of the English exiled loyalists.

In 1660 he was chosen one of the University Preachers, though it appears from a MS of Mr. Henry Wharton, that he was at Rome when King Charles II returned to England. And in a MS Volume

sume of Collections, now in St. John's College Library, Oxford, by Dr. Rawlinson, the following is observable :

“ William Sancroft at Padua entered a Student as appears by a Testimonial signed by the Pro-Rector and Syndick, 10 March, 1660.”

Soon after the Restoration however he must have returned; for Dr. John Cosin, who had known him abroad, being promoted to the Bishopric of Durham, took him for one of his Chaplains; and collated him to the Rectory of Houghton le Spring, and to the ninth Prebend in the Church of Durham, into which he was installed March 11, 1661: in which year he assisted in reviewing the Liturgy, particularly in rectifying the Calendar and Rubric.

By virtue of his Majesty's commendatory Letters to the University of Cambridge, dated March 15, 1661—2 he was created D. D: and in August following was elected Master of Emmanuel College; which he governed with great prudence, and the most obliging deportment towards every one of its members.

In the beginning of the year 1663—4, he was promoted to the Deanery of York. He held it but a few months, in which time he expended, in building and other charges, 200*l.* more than he received; and brought the accounts of that Church in excellent order. But upon the death of Dr. John Barwick in 1644, he was removed, in his room, to the Deanery of St. Paul's. Soon after which he resigned Houghton, and the Mastership. At his coming to St. Paul's, he set himself with unwearied diligence to repair that Cathedral, till the dreadful Fire in 1666 employed his thoughts on the more noble undertaking of rebuilding it; towards which he gave 1400*l.*; besides what he procured by his interest



terest and assiduous solicitations and endeavours. He also rebuilt the Deanery, and improved the revenue of it, as well as some of the Livings that were in his gift as Dean of St. Paul's.

In 1668 he was admitted Archdeacon of Canterbury, on the King's presentation, which he held till 1670, and then resigned.

In 1677, being now Prolocutor of the Convocation, he was advanced to the Archbishopric of Canterbury by King Charles II.

He behaved with singular prudence and integrity in the difficult and critical times that ensued. And it was reckoned very happy for the Church of England, that in the furious attacks made upon her, in the latter years of K. Charles, and the whole reign of K. James II, she had so steady a pilot at the helm.

His large revenues he did not profusely waste in luxury and extravagance, but decently bestowed them in hospitality and charity: and also disposed of his preferments with great discretion.

He attended K. Charles II, when he was upon his death-bed, and made a very weighty exhortation to him; in which he used a great degree of freedom, which he said was necessary, since his Majesty was going to be judged by one who was no respecter of persons.

In 1686 he refused to act in K. James II's Commission for Ecclesiastical Affairs: and in 1688 he was committed to the Tower, with six other Bishops, for presenting a Petition to the King against reading his Majesty's Declaration of Indulgence. The Court calling this Petition a Libel, they were tried for a Misdemeanor, June 29, but were acquitted, to the great joy of the Nation.

The same year the Archbishop projected a scheme  
of

of comprehension with the Dissenting Protestants. The best account of this design is given by Bishop Wake in one of his speeches at the Tryal of Dr. Sacheverell. 'The person, saith he, who first concerted this design was the late most reverend Dr. Sancroft, then Archbishop of Canterbury. The time was towards the end of that unhappy reign of K. James II. Then, when we were in the height of our labours, defending the Church of England against the assaults of Popery, and thought of nothing else; that wise Prelate, foreseeing some such Revolution as soon after was happily brought about, began to consider, how utterly unprepared they had been at the Restoration of K. Charles II, to settle many things to the advantage of the Church, and what a happy opportunity had been lost for want of such a previous care, as he was therefore desirous should be now taken, for the better and more perfect establishment of it. &c.'—The Archbishop expressed also his generous tenderness towards the conscientious Dissenters, upon another occasion.\*

On October 3, accompanied with eight of his brethren the Bishops, he waited upon the King, who had desired the assistance of their counsels; and delivered to him very serious and important advice. A few days after, though very earnestly pressed by his Majesty, he refused to sign a Declaration of Abhorrence of the Prince of Orange's designs. And Nov. 17, he joined in another Petition for a free Parliament.

Upon King James the second's withdrawing himself, he signed, and concurred with the Lords spiritual and temporal, assembled at Guild-hall, in

\* See his Articles recommended to the Bishops of his Province, July 16, 1611: p. 390, Vol. I.



a Declaration to the Prince of Orange, for a free Parliament, security of our Laws, Liberties and Properties, and of the Church of England in particular, with a due indulgence to Protestant Dissenters.

But when that Prince and his Consort were declared King and Queen, his Grace, refusing to take the oaths to their Majesties, was suspended Aug. 1, 1689, and deprived Feb. 1, following.

He continued at Lambeth till June 1691, and soon after retired to Fresingfield, his native place; where he spent the remainder of his days in a chearful and peaceable retirement; till being seized with an intermitting fever Aug. 25, he died Nov. 24, 1693.

His Grace published but few things, 'having ever affected a great privacy in his thoughts and writings, being resolved never to appear in print, if he could with any decency avoid the importunity or commands of those who requested the publishing of them.'

The first book of our Author's is entitled, 'Fur Prædestinatus: &c.' A Dialogue; composed jointly by himself, and Geo. Davenport, and another of his friends; between a Preacher and a Thief condemned to the gallows: wherein the Thief throws all the cause and blame of his wickedness upon the doctrine of absolute reprobation. Lond. 1651. 12°.

II. 'Modern Policies, taken from Machiavel, Borgia, and other modern authors, by an eye witness:' 1652. 12°. and reprinted in Lord Somers's Tracts, Vol. XIV. Page 197. III. Three Sermons: 4to. and reprinted together in 1703, 8vo. IV. In 1678 he published good 'Directions concerning Letters Testimonial to Candidates for holy Orders.' V. He was the Editor of Bishop Andrews's Defence of the vulgar Translation of the Bible, with a Preface of his

his own. VI. He drew up some Offices for Jan. 30, and May 29. VII. Ninteen Familiar Letters of his to Mr. North, afterwards Sir Henry North, were published in 1757, 8vo.

‘ His Grace left behind him a vast multitude of papers and collections in MS; and therein more perhaps wrote with his own hand, than any man, either of this or the last age, ever did write.’\* Upon his decease they came into his Nephews hands; and after his Nephews death they were purchased by the late Bishop Tanner, who gave them, with the rest of his very valuable MSS, to the Bodleian Library, Oxford.

As for the Archbishop’s character, let it be learned from his actions: for if we go for it to the writers of opposite Parties, it will appear, in different hands, as different as possible. — He certainly gave the strongest instance possible of sincerity, in sacrificing the highest Dignities, and other the greatest advantages, to what he thought truth and honesty.

The following Extracts from Bp Godwin and the Rev. Mr. Granger may serve to wipe off some aspersions of a contemporary Historian.

“ Et certe temporibus illis difficillimis nemo un-  
 “ quam majori cum fortitudinis et constantiæ laude  
 “ Pontificiorum et Aulicorum, qui Regi in trans-  
 “ versa properanti stimulos addiderunt, artibus ad-  
 “ versabatur, Reipublicæ juxta ac Ecclesiæ Angli-  
 “ canæ vindex fidissimus: ita ut jure quispiam mi-  
 “ rari possit eundem in illis, jam in pristinum resti-  
 “ tutis et stabilitis, locum tueri non posse. Verum  
 “ enimvero ita accidit, ut cum, Jacobo jam vel

\* Mr. Wharton’s Preface to ABp Laud’s Hist. of his Trou-  
 bles and Trial, p. penult.



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“ Et certe temporibus illis difficillimis nemo unquam majori cum fortitudinis et constantiæ laude Pontificiorum et Aulicorum, qui Regi in transversa properanti stimulos addiderunt, artibus adversabatur, Reipublicæ juxta ac Ecclesiæ Anglicanæ vindex fidiſſimus: ita ut jure quispiam mirari possit eundem in illis, jam in pristinum restitutus et stabilitis, locum tueri non posse. Verum enimvero ita accidit, ut cum, Jacobo jam vel

\* Mr. Wharton’s Preface to ABp Laud’s Hist. of his Troubles and Trial, p. penult.



“ expulso vel abdicante, ad Gulielmum liberatorem  
 “ et Mariam summa imperii populo plaudente de-  
 “ ferretur, et deinde novum fidelitatis iusjurandum  
 “ imperaretur, ille, una cum Bathoniensi, Eliensi,  
 “ Glocestrensi, Norwicensi et Petroburgensi Episco-  
 “ pis, imperatum præstare recusaret, et proinde of-  
 “ ficio et autoritate Archiepiscopali exutus, constan-  
 “ tiæ et patientiæ Christianæ insigne præberet do-  
 “ cumentum, quidlibet facere paratus et pati, modo  
 “ nihil conscientiae dictamini repugnans in se admit-  
 “ teret, et judici displiciturum Deo ”——

“ Viri hujusce sanctissimi vitam recolens, non sine  
 “ aliquâ indignatione miror, ab historico scriptore et  
 “ quidem Episcopo virtutes ejus adeo non celebrari,  
 “ ut parsimoniæ et avaritiæ infamiam ipsius memo-  
 “ riæ inurere videatur. Verum hoc temere et inique  
 “ ab homine præfervidi ingenii et rationibus politi-  
 “ cis nimium tribuente, ad maledicendum promp-  
 “ tissimo, ut cætera hujusmodi fere omnia temere  
 “ jactatum sentio. Ab ipso sane opprobrio nemo  
 “ abhorruit magis, dum vivus circiter octodecim  
 “ mille librarum in usus eleomosynarios erogasse  
 “ constat. Magna certe de eo sentire fas est cujus  
 “ in errore ipso continetur veræ laudis splendor :  
 “ pietatis profecto et fortitudinis Christianæ singu-  
 “ lare reliquit exemplum, quale qui non necesse  
 “ habuit imitari, laudare tamen poterat et sine in-  
 “ vidia admirari.”

GODWIN de Præsul. Angliæ Comment.

“ Some

“ Some of the pieces of this Prelate will set his  
 “ character, as a writer, in a fair point of light.  
 “ Such are ‘ Modern Policies;’ but such more  
 “ particularly, his ‘ Familiar Letters to Mr. North;  
 “ both before, but principally after his deprivation,  
 “ and his retirement to the place of his nativity in  
 “ Suffolk.”

“ A contemporary writer, who has drawn his  
 “ character, would have considerably softened the  
 “ harshness of the features, if he had been more  
 “ like Sancroft, who had a *generous, and enlarged*  
 “ *heart* to objects of *benevolence*. He was highly re-  
 “ spected, and great deference was paid to his  
 “ judgment by the Prelates, his fellow sufferers, in  
 “ that difficult and dangerous conjuncture for the  
 “ Church which preceded the Revolution: his con-  
 “ duct was indeed judicious and exemplary upon  
 “ that trying occasion.”\*

\* “ After the Archbishop had left Lambeth, and retired to a  
 “ private house in Town, Thomas, Earl of Ailesbury, went  
 “ thither to make him a visit. The Prelate received him at the  
 “ door of his apartment, which was opened by himself. The  
 “ Earl, struck with this circumstance of humiliation, and the  
 “ total change of the scene, in which he had frequently beheld  
 “ him at his palace, burst into tears. As soon as he recovered  
 “ the power of speech, he told him how deeply he was affected  
 “ with what he saw, and of his inability to suppress his grief.  
 “ ‘Oh, my good Lord,’ replied the venerable confessor, ‘rather  
 “ rejoice with me; for now I live again.’ This anecdote was  
 “ communicated by John Loveday Esq; who had it from the  
 “ Earl himself.”

GRANGER’s Biographical History of England.



EXTRACTS of a Letter from Mr. THOMAS  
BAKER of Cambridge to Dr. RICHARD  
RAWLINSON of St. John's, Oxford.

Worthy Sir,

“SINCE you seem not unwilling to have some-  
what more concerning Archbishop *Sancroft*,  
I send as follows.”

*Roger North*, Esquire, youngest son to *Dudley*  
“*Lord North*, was Steward of the Courts of Arch-  
bishop *Sancroft*; and in his MS papers under his  
own hand, I find the following Account.”

“That which crowned my endeavours in the  
way of Court-keeping, and the more advanc’d steps  
of my Profession, with more honour, then by any  
other character, then fidelity, I could pretend to,  
was the promotion, to the Office of temporal  
Steward to the See of *Canterbury*, which I hold  
still, and will not part with (in right and title) so  
long as I am capable to retain it: Altho’ by the  
inclemency of the Times I am forc’d to quit the  
possession, to Usurpers. In the whole, this Office  
was worth to me about 60*l.* per ann. sometimes  
more, and often less. I know not what good An-  
gell minded the Archbp of me; for I was neither  
eminent, so as to be pickt out, by so great a Man,  
as likely to be useful to him, as the Steward of the  
Liberty’s are ordinary to the Archbishops, having  
the conduct of all his Law-Businesses, and is his  
standing Councill, on whom he leans, in all mat-  
ters of Law, which in his Post are many, frequent,  
and of great importance, as well to the Publick, as  
to his private concernes. I am not conscious of any  
merit

merit or reason, to be so honoured by him, but from the felicity of being his Countryman, to whom he was always kind, and the fair character, his private friend Dr. *Paman* might give of me to him. In short without my thought, of any such advantage, he sent for me, and declared me his Steward, in the place of *Dolben* [then advanced to be a Judg,] and I had my Patents confirmed by the Dean and Chapter, for my life, which are still in force. All that he stipulated with me was, to make up the Court Rolls, in Parchment, the former Stewards used to enter in Books onely. I caused to be transcribed the Rolls, from the Restauration downe to my time, and continued them on, untill the Enemy came and removed me, and commanded the Rolls from me, which I delivered, not to the Usurper, but to the Treasurer and Receiver Mr. *Snow*, who was an undoubted Minister of the See, in those Offices, for life, by Patent from *Sheldon*.

‘ It may not be amiss here [to] discours a little of my comportment under the favour of this good Archbishop, whom I had the honour to serve. He immediately took me into a participation of his counsells, with respect to Law-busineses, wherein I served him with all the diligence and integrity possible, and had no capacity, beyond what I employed in his service; wherein I was encouraged by his most obliging acceptance — and valued me for my fidelity, which he being a most sagacious judg of persons, could not but discern, and dispense with my other defects, as not in our power always to correct.’

‘ The first thing he concerned me in, was a Visitation of *Dullwich* College —’

‘ Another matter he imployed me in was, to  
con-



consult, touching ——— *All Soules College in Oxford*, where he was Visitor ———,

‘ Another good work the Archbishop imployed me in was *Shirley's Case* ———,’

‘ There were many other affairs, which he was minded to settle, and put in order, for the most part in the way of Reformation and Charity. I settled some Augmentations on Vicaridges and Chappelreys in *Lancashire* or *Cheshire*. I prepared an Endowment for a School at *Fresingfield*, but I do not know that he had time to perfect that, and divers other matters of that kind. In all which he was so kind and tender to me, dispensing with my defects, and accepting my good will, that I contracted great tenderness and devotion to his service. I could know his griefs, by his discours; and when he was attacq't from the Court, which begun about the time of *Monmouth's* Defeat, the Dispensing Power then beginning to be ventilated, I study'd the point, collected all the Law I could find about it, found reasonable distinctions, to reconcile the umbrages, some passages in the Law-Books had given to it, all which I presented to him, which he took very kindly, and perceiving it to be crude, and ill penned, he gave it me again, and desired, I would perfect it, as I had designed; which soft reprehension was very obliging, and then I went it over again, and left it with him, as it is among my papers.’

‘ I likewise gave him a paper or discours upon the High Commission, soon after issued, which deprived the Bishop of *London*. This good man escap't that Storme, because he was provided, but not to doe, as the Bishop did, plead to the Jurisdiction, and being overruled, plead Not Guilty, and goe to fending and proving, and at length received

ceived their judgment. But he was resolved, if he had been cited, to have brought his Protestation (which he kept ready drawne by him) and delivered it to them, and went his way, and never obeyed any sentence, but to defend himself at Common Law, upon the nullity of their Court. This was knowne, and for that reason, he was not cited. The other way was to deliver up the Cause. For it was not to be doubted, they would judge for their own Jurisdiction, and the defending after was owning it, as much as before.'

'And the like was at *Magdalen Colledg*: they should not have appeared further, than to protest. The Common Law and Jury's would have defended the Freeholds: and such mistaken proceedings as these were one meanes to mislead the King: whereas a stout, regular opposition, as the Archbishop intended, would probably have stopt the Career.'

'After this the Archbishop was threatened with a *Premunire*, if he did not confirme Bishops, without taking the Test. I gave him a discours of *Premunire*, so full and particular, with the very formes at large, that he thankd me for it, and sayd, he found by the manner, it was done with a particular good will to him, and to instruct him for his safety.'

'Then upon his pretended Deprivation, I studied the Law of the Exchequer, as to the charges there, and presented him with the Report; but those are crude, and wanted experience of Intrusions, and such Memoranda of that Court. Before the Deprivation, I considered the Law, with respect to Duty, under usurping Superiors, such as we call Lords *pro tempore*; and titled that Discours, Respective Allegiance, that he might judg, how far



far the Law would give way to the owning Powers without Title. He told me he could by no means allow that Distinction in our Law of *de Faëto* and *de Jure*; a Lord *de Faëto*, not *de Jure*, was no Lord, and apply'd it higher, and was very solemn upon the subject, whence I perceived he did not like it.

‘ After his retirement from *Lambeth* into the Palsgrave Court, he was threatned to be tendred the Oaths. I consulted the matter, and found it a vain pretence, and that persons deprived were not subject to that spight, and gave him a paper.’

‘ It was to me a wonder, to observe the industry of that man. If any presented him, as many did, with Discourses upon business depending, he would register them in his own Books, with his owne hand, using his exquisite Orthography, and Abbreviations, and mending the English, and periodizing in all places, as ought to be done: and he did me the honor to do the like, with all he received of me.’

‘ After his retirement to *Fresingfield*, I constantly visited him, at least once in every year, and it was my good fortune to come to him, when he was near his end, and under great trouble, how to settle his affairs to his mind. He would not make a Will to be proved in his pretended Successor's Courts; but desired to provide in several particulars of Charity. The Divines, Phisicians, and Attorneys had distracted him with different fancy's, and puzling contrivances; for he and his Nephews had consulted severall of them, they could confide in. The poore man in few words, being under great weakness, and difficulty of utterance, told me his paine; and I immediately chalkt out a way, to be content; which was to make a Deed of Gift,

to

to his two Nephews, of all that he had in the world; and by the same Deed, or another, declare that to be in trust, for himself, during his life; and after for such uses, as he had a mind should be known, and the rest to them, their executors, administrators, and assigns absolutely. And he could give them those directions, either orally, or by letter, wherein he intended absolutely to trust them. This was no Will, but had the same effect; and though there might be an Administration taken out, it would signify nothing, because there was no estate to be divided, the Grant in *vitâ* having bound it all. This scheme pleased him intirely, and he beg'd (such was his humility) that I would assist him in the forme. I took pen and immediately made draughts, with directions in writing for the filling of blanks, and took his blessing, and departed, after about an hour's stay. This forme was persued, and his mind took effect, as he desired. It toucht my spirit extremely, to see the low estate of this poor old Saint, and with what wonderfull regard and humility he treated those, that visited him, who were not worthy to serve him, and particularly myself. — I must leave this subject, as being too melancholy, to give me that ease in writing, I usually have, and least I drop more then ink, which my recollecting thus the loss of this most reverend Prelate and Saint (with whose service and favour my life is adorned) ought to extort from those eyes, which sympathise in uncontrollable sorrow.

‘I received much of his bounty; but as he was moderate in all things, he did not exceed in that. However what he did was with so much sweetness and obligation, it surmounted the more profuse gratifications of others. But I was particularly honoured by him, in a present he made me, at his

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leaving



leaving *Lambeth*, of his Base Viol, which he had at *Cambridge*, and kept all his life after, till he gave it me, and was at the charge of fitting it up for use. I keep it as a sacred Reliquy of his memory. And when he left the world, he had me in his prayers and thoughts, for he ordered his Nephews, to make me a present of a Ring Val. 20*l.* for memory of him, which they told me of, desiring, if I thought any thing els, more conducing, I would take the money and imploy it. At that time I had almost finish't my Library at *Rougham*, and thought a Memorial of him there would be more lasting of him then a Ring, and I bought a set of Law Books, had 'em bound after his manner, and wrote in them thus;

Hunc cum aliis ejusdem Notæ et Argumenti Libris, ad Valorem viginti Librarum, honorifice legavit Reverendissimus in Christo Pater Willhelmus, nuper Archiepiscopus Cantuar. Cui dum in vivis esset, me Filium et addictissimum Servum in perpetuum fore profitebar: Cujus adhuc piam memoriam studiosissime recol.

"There is much more in these Papers, but chiefly concerning himself, and the services he had done the Bishop. I have copied out all that is materiall concerning the good Archbishop, which may be depended on, as coming from a man of great honor and integrity; such was Mr. *North*, an eminent Lawyer in his time, of the King's Council, and Member of Parliament under King James II. And though as such had been closeted by the King, yet he (and his Brother Sir *Dudley North*) resisted all temptations, and kept their integrity to the last. And this Mr. R. North, by adhering to the Archbishop's interest and principles, to the height, incurred

curred much danger, and was a considerable sufferer, and may deserve a place in your Catalogue of Sufferers. He died a few years ago at his house at *Rougham* in *Suffolk* in great retirement, and left two sons, from the younger of which, possessed of his papers, I had a sight of 'em, to my great pleasure and satisfaction; and with, this Fragment I send, may be as entertaining to you, as the whole was to me. I am

Worthy Sir

Your most obedient

Cambridge,

humble servant,

June 29th.

THO. BAKER."

"My service to Dr. *Bedford*, I am sorry for his misfortune in his child. Your Papers have been in the hands of so many of our succeeding Vicechancellors, that they must needs be known. Mr. *Wharton* had too much other business to think of writing his Patron's Life."

"Indorsed by Dr. *Richard Rawlinson*, to whom the Letter was written."

'Recd. 2 July, 1736.'

"A true Copy, May 5, 1774."

N. B.

"This Letter is transcribed, and sent to Dr. *Buckler* purely for the sake of Mr. *North*'s Account of Archbishop *Sancroft*'s Regulations at *All Souls*, which was promised him some years ago by the Rev. Mr. *T—e*. It was thought proper to transcribe the whole Letter not only to show its authenticity, but as it contains some curious particulars not to be easily met with elsewhere. And as so much is said in it of Archbishop *Sancroft* the Transcriber was of opinion, it would not be unacceptable to add the following, since it tends to clear up a point in History,



which has been very variously represented, and will serve at least to fill up a part of the spare paper. It was written by Dr. *Stanley*, a Canon Residentiary of *St. Paul's*, to Dr. *Hickes* in the year 1715, in answer to a question this last had put to him."

' Sir, *Amen Corner*, May 26.

I do not remember, that I ever heard, that the late good Archbishop *Sancroft* was thought to have invited the Prince of *Orange* over into *England*. If any one did charge him with it, I believe it was without grounds. All, that I can say as to the matter, is, that An. 1687, when I came into *England* out of *Holland*, I confesse I did desire the Archbishop to write to the then Princess of *Orange*, on whom I had the honour to attend, to encourage her still to give countenance to the Church of *England*: but he was pleased not to write to her. And afterwards when we were come over into *England*, and a report being spread abroad, that some of the Lords Spiritual as well as Temporal had invited the Prince of *Orange* into *England*, in my discoursing with the Archbishop, I remember he said to me, I am now glad I did not write to the Princess as you desired, for if I had written to her, they would have said, that I had sent to invite them over. This is true, and this is all that I can say of that affair. \*

I am, Sir,

Your most faithfull Friend

and humble Servant,

WILL. STANLEY.

" Dr. *Hickes's* Answer, which does not contain any thing sufficiently material to make it worth a Transcript, is dated *May 27, 1715.*"

\* See Vol. I, Page 300.

# CONTENTS.

## N<sup>o</sup>. I.

THE Antiquity, Use, and Privilege of *Cities, Towns, and Boroughs*: Written by Mr. FRANCIS TATE of the *Middle Temple, London*. [9 Feb. 1598.] Tanner's MSS. Bodl. Lib. Oxford. Vol. 120. Fol. 248.

[This Discourse is on one of the Subjects in Mr *Anstis's* 4to MS. of Mr. *Tate's* Collections. See *Hearne's* Pref. to Antiq. Disc. P. CXVIII.]

## N<sup>o</sup>. II.

The Antiquity, Use and Ceremonies of lawful *Combats in England*; Written by the same. Febr. 13. An. 1600. Ibid. Vol. 85. f. 95. Vol. 279. p. 283.

[Both these Copies are corrected by Abp *Sancroft*.]

## N<sup>o</sup>. III.

A Discourse touching the Unlawfulness of private *Combats*; Written by Sir EDWARD COOK, Lord Chief Justice of *England*, at the request of the Lord *Henry Howard*, Earl of *Northampton*. 3 Oct. 1609. Ibid. Vol. 85. f. 78. Vol. 278. p. 274.

[Corrected by Abp. *Sancroft*. In the above two Volumes, 85 and 278; is a Transcript of a Discourse called "Duello foiled: The whole Proceedings in the orderly dissolving of a Designe for single fight between two valiant Gentlemen by occasion whereof the Unlawfulness and wickedness of a Duell is preparatorilye disputed according to the Rules of Honour and right reason: Written by the Lord *Henry Howard* Earle of *Northampton* anno ———". And it appears by the latter part of this Letter that his Lordship was about some such work. But in the new Edition in two Volumes (with Additions) of Mr. *T. Hearne's* Collection of curious Discourses by eminent Antiquaries, this Discourse "Duello foiled" is published, and there said to be written by Mr. *Edward Cook*.]

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N<sup>o</sup>. IV.



N<sup>o</sup> IV.

- Ibid. Of a *Lie*; how it may be satisfied; or at least  
 Vol. 85. how it ought to be dealt in by an *Earl Marshal*:  
 f. 83. as also, what Laws are necessary to be established  
 Vol. 278. to prevent the many barbarous Mischiefs, that daily  
 p. 276. do happen for default of some such course to be  
 taken: [By *Anonymous*.] Page 12.

[Corrected by Abp *Sanicroft*.]

- Ibid. The *French King*, [HENRY IV] his Edict, con-  
 Vol. 85. stituting *Duels* to be punished in the nature of Trea-  
 f. 74. son within his Dominions: an. 1609. Page 20.

[A Copy collated by Abp *Sanicroft*.]

N<sup>o</sup> V.

- Ibid. Of the first Establishment of *English Laws*, and  
 Vol. 458. *Parliaments* in the Kingdom of *Ireland*: October  
 P. 49. 11th, 1611: Written by JAMES USHER, after-  
 wards Archbishop of *Armagh*. Page 23.

[Collated by Abp *Sanicroft*: in whose hand writing is the fol-  
 lowing Note:

“Transcribed out of the great Collection of MSS. concerning  
 the *Irish Affairs*, now in *Lamb.* Librar. Vol. C. fol. 212, &c.”]

N<sup>o</sup> VI.

- Ibid. A Discourse, shewing when, and how far the *Im-*  
 Vol. 458. *perial Laws* were received by the old *Irish*, and the  
 P. 41. several Inhabitants of *Great Britain*: By the same.  
 Page 41.

[Collated by Abp *Sanicroft*; who has subjoined the following  
 Note:

“Transcribed out of the Original written with Abp *Usher*'s  
 own hand, and directed to Dr. *Arth. Duck*; for whom it was  
 written, and who hath inserted the substance of it into his Book  
*De usu Juris Civilis*.”]

N<sup>o</sup> VII.

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## Nº. VII.

A Discourse of *Tenures*, which were before the Conquest, namely, *Knight-Service*, *Soccage* and *Frank-almoin*: and the effect of those *Tenures*, *Wards*, *Reliefs*, *Heriots*, *Escuage*, or *Warfaring* by *Tenure*, *Reservations of Rent*, or *Viſuals*, and *Proviſions* or *Purveyors* in the *Saxon* times; that the ſame eſtates in the ſoil of this Land were due unto the Subjects, by birth-right of their Anceſtors, the inhabitants of the Land, before Duke *William's* time; namely to have land in *Fee ſimple*, *Free-holders*, *Copie-holders*, *Customary Tenants*, and *Villeins*, before the year 1066; together with the Reſemblances or Diſreſemblances of thoſe, in outlandiſh, ancient, or modern Eſtates: Written by Sir WALTER RALEGH. Ibid. Vol. 278. P. 439.

Page 51.

[Collated by Abp *Sancreft*: and was probably written by Sir *Walter* during his confinement in the Tower. It treats on a controverted queſtion: of which the following is Sir *Wm. Blackſtone's* opinion.

"The feudal polity, which was by degrees eſtabliſhed over all the continent of *Europe*, ſeems not to have been received in this part of our iſland, at leaſt not univerſally and as a part of the national conſtitution, till the reign of *William the Norman*. Not but that it is reaſonable to believe, from abundant traces in our hiſtory and laws, that even in the times of the *Saxons*, who were a ſwarm from what Sir *William Temple* calls the ſame northern hive, ſomething ſimilar to this was in uſe: yet not ſo extenſively, nor attended with all the rigour that was afterwards imported by the *Normans*. For the *Saxons* were firmly ſettled in this iſland, at leaſt as early as the year 600: and it was not till two centuries after, that feuds arrived to their full vigour and maturity, even on the continent of *Europe*."

*Blackſtone's Comment*, B. II. C. 4.]



N<sup>o</sup>. VIII.

- Ibid. Copy of an original Letter of Queen *Anne*, King  
Vol. 299. *James* 1<sup>st</sup>'s Queen, sent to the Marquis of *Bucking-*  
p. 87. *ham*, in behalf of Sir *Walter Ralegh*. Page 94.

[Probably written in the year 1618 as *George Villiers* was created a Marquis 1<sup>st</sup> of Jan. 1617—18; and Sir *Walter* was beheaded 29<sup>th</sup> of Oct. in the same year.

The Copy is in Abp *Sancroft*'s hand, with the following Title:  
"I have an original Letter of Queen *Anne*'s of which this is the Copie."]

N<sup>o</sup>. IX.

- Ibid. RALPH BROOKE, York Herald, his Answer and  
Vol. 84. Opinion to the Question of the Lord Maiors  
f. 80. Knights and Aldermen of *London* for Precedency above ancienter Knights than themselves, not Aldermen of *London*; &c.

First shewing Mr. Garter [Sir *William Segar*] his Error; then what the Title of Knights is; with the Antiquity and Privileges thereof; then what an Alderman and his Office is; with the Antiquity and continuance thereof: &c. 1611. [With an Extract from *Stow*'s Survey of *London*, by *Strype*: shewing the final issue of the Contest.] Page 95.

N<sup>o</sup>. X.

- Ibid. An Apology for the late Lord Treasurer Sir Ro-  
Vol. 278. bert *Cecill*, Earl of *Salisbury*: Written by Sir WAL-  
p. 503. TER COPE. Page 119.

[Collated by Abp *Sancroft*.]

N<sup>o</sup>. XI.

- Ibid. A Relation of the Carriage of the Marriages that  
Vol. 278. should have been made between the Prince of Eng-  
p. 519. land, [Henry Pr. of *Wales* eldest Son to K, *James* the  
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the Ist] and the *Infanta Major*, and also after with the younger *Infanta*; [Daughters of the K. of Spain.]

Written by Sir CHARLES CORNWALLIS [to the Lord Digby.] Page 133.

[Collated by Abp *Sancroft*; with the following Note :

“ Transcribed from a MS in the hands of Mr. *Raleigh*, who mistook it to be written by his Grandfather Sir *Walter Raleigh*.”

This Relation is printed in *Ld Somers's Tracts*: but in this Copy are many corrections and additions.]

### N°. XII.

A Discourse concerning the Marriage propounded to Prince *Henry* with a Daughter of *Florence*: Ibid. Vol. 278.  
Written by the same, being the Prince's Treasurer P. 538.  
at the Prince's commandment. Page 156.

[Collated by Abp *Sancroft*.]

### N°. XIII.

Letter to the King [*James Ist*.:] By the same: Ibid.  
Dated 22 June, 1614. Page 161. Vol. 278.

[Written during his confinement under his “ Majesty's displeasure, occasioned by some Conference concerning the last Parliament;” (King *James's* second Parliament) which met 5 April, but was presently dissolv'd without passing any Act, the Members falling into Debates about Grievance displeasing to the King, who committed the most active to the Tower and other Prisons.] P. 543.

### N°. XIV.

Mr. THOMAS ALURED his Letter to the Marquis Ibid.  
of *Buckingham*, 1620: to dissuade the Match with Vol. 299.  
*Spain*, &c. Page 170. P. 111.

[The whole of the first Copy is in Abp *Sancroft's* hand, who has subjoin'd the following Note: “ Mr. *Alured*, or *Aldred*, sometimes Secretary to the Lord *Eure*, and one of the Marquis of *Buckingham's* Chaplains: He was committed to prison for writing this Letter (more sufficiently than discreetly penned) faith one in a Letter to Secretary *Windebank* June 15, 1620.”] Vol. 290. P. 58.

On



On the second Copy is the following Note in another hand of later date. "Larger and fuller than what is printed by *Rusworth*; who puts it in 1623; whereas in *Camden's Annals* this Letter is said to be presented to the Duke June 10, 1620:" And on the Back of the same Copy is the following:

"27 Jun. 1620 My Lord Grace of *York* his Letter.

To the worthy my very loving Friend Dr. *Ward* Master of *Sidney College* in *Cambridge*."

"—— *Auredus*, qui quondam Scriba D. *Euer*, Præsidis *Walliæ*, Marchioni *Buckinghamiæ* tractatulum politum exhibet contra nuptias *Caroli* Principis cum *Hispanâ*; unde Rex indignatus eum in carcerem conjicit."

*Camden. Annal.*

Ibid. *Rou. Woodward's* Letter to Mr. Secretary *Winde-*  
Vol. 290. *banke*, concerning Mr. *Alured's* Discourse against the  
p. 65. *Spanish Match*. Page 181.

#### Nº. XV.

Ibid. Instructions to —— Ambassador into Spain  
Vol. 299. by —— Page 182.  
p. 13.

[The whole in Abp *Sancroft's* hand.

Q. if these Instructions were written to Sir *John Digby*, by Sir *William Cornwallis*, Knt. elder Brother of Sir *Charles*. See P. 185, line 20.]

#### Nº. XVI.

Ibid. *Decimæ et Primitiæ Collegiorum* [in *Universitate*  
Vol. 338. *Oxonienfi*.] Page 190.  
p. 51.

[Supposed to be a Transcript of Mr. *T. Hearne's* and probably from *Twine's Collections*, being mark'd thus & f. 802.]

#### Nº. XVII.

Ibid. The old *Rents* of every *College* in *Oxford*, accord-  
Vol. 338. ing to which they were taxed for the Entertainment  
p. 52. of Queen *Elizabeth* in the 34th year of her Reign.

#### Nº. XVIII.

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## Nº. XVIII.

An exact Account of the whole Number of *Ibid.*  
*Scholars and Students in the University of Oxford* Vol. 338.  
taken anno 1612 in the long Vacation. Page 196. <sup>1</sup>. 53.

[Probably a Transcript of Mr. T. Hearne's; and taken from  
*Twine's Collections* having this mark *a f. 514.15.*]

## Nº. XIX.

Of the annual Revenue of the Colleges and *Ibid.*  
Halls in the University of *Oxford*, &c. Page 191. Vol. 338.  
P. 237.

## Nº. XX.

Out of the Journal Book of the Expences of all *Ibid.*  
the Buildings of *Christ Church College Oxon*; which Vol. 338.  
I had of Mr. *Pore of Blechinton*. Page 204. P. 422.

[Supposed to be a Transcript of Mr. T. Hearne's; "Ex  
*Libro Br. Twine notato a. p. 350, &c.*"]

## Nº. XXI.

Sir BALTHAZAR GERBIER'S Project for an *Aca-* *Ibid.*  
*demy Royal in England*. Page 209. Vol. 94.  
P. 7.

[The Title in Abp *Sancroft's* hand. See an account of Sir  
*Balthazar* in Mr. *Walpole's Anecdotes of Painting*,]

## Nº. XXII.

A Taste of some Observations intended upon *Ibid.*  
things most remarkable in the History of this King. Vol. 461.  
dom, from the *Norman Invasion* till the 12th year P. 97.  
of our virtuous Sovereign *Charles* the first, whom  
GOD have in his precious custody: Written by Sir  
HENRY WOTTON. Page 215.

[Printed among his Remains; but without the Preface, and  
with some other little variations from this Copy. It goes no  
farther than the end of the Reign of *William* the first.]

## Nº. XXIII.



N<sup>o</sup>. XXIII.

Ibid. Mr. FULLER'S Observations of the Shires,  
Vol. 88. Page 222.  
P. 4.

[Probably written about the year 1632 from the mentioning  
Sir William Noy, (P. 225.) who was made Attorney General in  
1631, and died in 1633.

The whole Transcript is in Abp *Sancroft's* hand.]

N<sup>o</sup>. XXIV.

Ibid. An Abstract of the *Plate* presented to the King's  
Vol. 338. *Majesty*, by the several *Colleges* of *Oxford*, and the  
P. 101. *Gentry* of the *County*; the 20th of January 1642.  
Page 227.

N<sup>o</sup>. XXV.

Ibid. Of the Origin and Progress of the Revolutions  
Vol. 299. in *England*: [particularly the Troubles in K. *Charles*  
P. 1. the First's Reign:] Written by Mr. M. WREN.  
Page 228.

[The whole Transcript in Abp *Sancroft's* hand.]

N<sup>o</sup>. XXVI.

Ibid. A Letter of Dr. LLOYD, Bishop of Saint Asaph,  
Vol. 94: to Mr. *Thomas Price* of *Llanvyllen*, concerning *Jef-*  
P. 182. *frey* of *Monmouth's* History, *Robert de Torinneio* and  
his edition of *Sigebert's* Chronicle, *Robert de Monte*,  
*Henry of Huntington*, and *Alured of Beverley*.  
Page 253.

N<sup>o</sup>. XXVII.

Ibid. Letter from the Bishop of *Oxford* (Dr. JOHN  
Vol. 338. FELL) to the Archbishop of *Canterbury*, (Dr. W.  
P. 212. *Sancroft*;) concerning the affair of *Printing* in the  
*Universities*.  
Page 269.

N<sup>o</sup>. XXVIII.

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## N<sup>o</sup>. XXVIII.

The State of the affair of *Printing* in the *Univer-* Ibid.  
*ty of Oxford*: Jan. 6th, 1679. [Probably sent with Vol. 338.  
 the preceding Letter, N<sup>o</sup>. XXVII.] Page 271. P. 213.

## N<sup>o</sup>. XXIX.

The State of *Bible Printing* as it has been of late Ibid.  
 and is now in *England*. Page 275. Vol. 338.  
 P. 231.

## N<sup>o</sup>. XXX.

Letter from Dr. *Wallis* to Archbishop *Sancroft*, Ibid.  
 concerning the Right of the *University of Oxford* to Vol. 338.  
 the printing of Bibles, and other privileged Books: P. 233.  
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## N<sup>o</sup>. XXXI.

A Brief of the cause' of the Printers of the *Uni-* Ibid.  
*versity of Cambridge* — that they may print Gram- Vol. 158.  
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## N<sup>o</sup>. XXXII.

The Practice held in *Cambridge* for printing Al- Ibid.  
 manacks, &c. Recep. 12 Sept. 1634. Page 284. Vol. 158.  
 P. 111.

## N<sup>o</sup>. XXXIII.

Reasons why the Judicature of the Expulsion of Ibid.  
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 Law. Page 285.

## N<sup>o</sup>. XXXIV.

The Docket of King *JAMES* the *Second's* Licence, Ibid.  
 Dispensation and Pardon for *Obadiab Walker*, Mas- Vol. 460.  
 ter of *University College* in *Oxon*, *Nath. Boyse* and P. 102.  
 Vol. I. b Vol. 338.  
*Thomas* p. 262.



x C O N T E N T S.

*Thomas Deane*, Fellows of the same, and *John Bernard*, Fellow of *Brazen-Nose* College: May —, 1686.  
Page 287.

[The whole Transcript in Vol. 460, is by Abp *Sancroft*.]

N<sup>o</sup>. XXXV.

Ibid. List of Books which *Obadiab Walker* was per-  
Vol. 460. mitted to print by a Licence from King JAMES II,  
P. 103. May —, 1686. Page 288.

N<sup>o</sup>. XXXVI.

Ibid. King JAMES the *second's* Licence, Dispensation  
Vol. 460. and Pardon for *Edward Sclater* of *Putney, Surry*,  
P. 104. Clerk; May 2, 1686. Page 290.

[Under this Copy of the Licence, &c. is the following Note  
by Abp *Sancroft*:

“ The Docket saith; Directed by Warrant under his Majes-  
ty's roial sign manual; subscribed by *T. P.* his Majesty's Solici-  
tor General, and procured by the Earl of *Sunderland*.]

N<sup>o</sup>. XXXVII.

Ibid. King JAMES the *Second's* Licence, Dispensation  
Vol. 460. and Pardon for *John Massey*, M. A. and Fellow of  
P. 99. *Merton* College, late appointed Dean of *Christ*  
*Church, Oxford*, 16 Dec. 1686. Page 294.

N<sup>o</sup>. XXXVIII.

Ibid. Princess of ORANGE's Letter to Abp *Sancroft*—  
Vol. 29. *Loo*, Oct. 1. 1687. Page 299.  
No. 54.

N<sup>o</sup>. XXXIX.

Ibid. Copy of Abp SANCROFT's Answer to the Prin-  
Vol. 29. cesses of *Orange's* Letter: [Probably never sent. See  
No. 71. a Letter from Dr. *Stanley*, inserted in the Preface.]  
Page 300.

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[This and the following No were printed from a Copy of a Transcript made by Dr. Rawlinson and now in St. John's College Library Oxford, the Editor not being able at that time to meet with the Originals; but on a collation of them since, the following corrections and additions are found necessary.]

- P. 300, line 8, after *letter* insert *with*.  
 ———— 9, for *send* read *honour*.  
 P. 301, line 11, after *break* insert *forth upon us*.  
 ———— 23, after *give* insert *you*.  
 P. 302, line 4, after *faithfull* insert *humble*.]

## N°. XL.

Dr. STANLEY's Letter to Abp *Sancroft*: *Hague* Ibid.  
 Jan. 24. } 1687—8. Page 302. Vol. 29.  
 Febr. 3. } No. 85.

[The following Corrections and additions are necessary in this Letter for the Reason mention'd above.]

- P. 303, line 22, for *found it so* read *showed it me*.  
 P. 304, line last but two, for *in which* read *and*.  
 P. 305, line 2, for *well* read *fully*.  
 ———— 12, after *have* read *bad*: and for *discourse* read *discoursed*.  
 ———— 15, for *our* read *ever the*.  
 P. 306, line 1, 2, for *of some of them* read *somewhat of it*.  
 ———— 8, after *than* insert *my*.  
 ———— 13, after *commands* insert *and assistance*.  
 ————, for *make* read *enable*.]

## N°. XLI.

Another Letter from the same to the Archbp: Ibid.  
*Houſlaerdyke*, June 10, 1688. Page 307. Vol. 28.  
 N°. XLII. No. 31.

Matter of Fact: by the E. of CL——. I. Con- Ibid.  
 concerning the King's Dispensing Power. Page 309. Vol. 460.  
 II. Concerning the Act imposing the Test, 1678: p. 91.  
 in answer to the Bishop of Oxford (Dr. Samuel Parker's) "Reasons for abrogating the Test, &c."

Page 313.

[The whole Transcript by Abp *Sancroft*.]

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N°. XLIII,



N<sup>o</sup>. XLIII.

- Ibid.  
Vol. 27.  
No. 1. Audacious Attempts of Popish Seducers in King  
*James the second's* Reign : in a Letter signed O.O.  
Page 326.  
[The Title in Abp *Sancroft's* hand.]

N<sup>o</sup>. XLIV.

- Ibid.  
Vol. 28.  
No. 24. The Case of reading the Declaration for Liberty  
of Conscience, briefly stated in four Propositions :  
By Mr. JONAS PROAST, Chaplain of *All Souls*, and  
afterwards Archdeacon of Berks. Page 328.

N<sup>o</sup>. XLV.

- Ibid.  
Vol. 28.  
No. 21. Copy of a Letter in Abp *Sancroft's* own hand to  
some of the Bishops; relating to their Petition to  
King *James II*, against distributing and reading his  
Declaration for Liberty of Conscience. Page 329.

N<sup>o</sup>. XLVI.

- Ibid.  
Vol. 28.  
No. 22,  
23. Two Letters to Abp *Sancroft* from the Bp of  
*Winchester* (Dr. PETER MEWS) relating to the  
same : May 13 and 14, 1688. Page 329.

N<sup>o</sup>. XLVII.

- Ibid.  
Vol. 28.  
No. 29. Letter to Abp *Sancroft* from JOHN TILLOTSON,  
D. D. Dean of *Canterbury*; relating to the same.  
Page 330.

N<sup>o</sup>. XLVIII.

- Ibid.  
Vol. 28.  
No. 34. Letter to Abp *Sancroft* from the Bp of *Landaff*  
(Dr. WILLIAM BEAW :) relating to the same :  
May 27, 1688. Page 331.

N<sup>o</sup>. XLIX.

- Ibid.  
Vol. 28.  
No. 39. Letter from the Bp of *Worcester* (Dr. WILLIAM  
THOMAS) relating to the same : 3 June 1688.  
Page 332.  
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## N<sup>o</sup>. L.

Letter from the Bp of *Carlisle* (Dr. THOMAS SMITH) to the Bp of *Ely* (Dr. *Francis Turner*) relating to the same; 4 June 1688. Ibid.  
Vol. 28.  
No. 40.  
Page 334.

## N<sup>o</sup>. LI.

The Petition of some of the *Bishops* to his Majesty [K. JAMES II.] against distributing and reading his Declaration for Liberty of Conscience: with some proceedings thereupon: May 18, 1688. Ibid.  
Vol. 28.  
No. 26,  
27, 28,  
30.  
Page 335.

[The whole Account is in Abp *Sancroft*'s hand-writing, and the Petition subscribed by the *Bishops*.]

The original Summons for the Bishops to appear again before the Council: 27 May. Ibid.  
Vol. 28.  
No. 35.  
Page 341.

Letter to Abp *Sancroft* from the Bp of *Norwich* (Dr. WILLIAM LLOYD) relating to the Summons: 1 June. Ibid.  
Vol. 28.  
No. 38.  
Page 342.

Letter to the same from the Bp of *London* (Dr. HENRY COMPTON) relating to the same: 8 June. Ibid.  
Vol. 28.  
No. 48.  
Page 343.

Another Letter to the Abp from the Bp of *Ely*; relating to the same: 8 June: with two Papers: Ibid.  
Vol. 28.  
No. 45.

No. I. Conference on the Bishops Appearance before the Council: 46, 47.

No. II. Minutes out of the Council-Book on *Ld Lovelace's* Case. Page 344.

Account of the *Bishops* appearance before the Council, 8 June, and the Conference there. Ibid.  
Vol. 28.  
No. 49,  
Page 347 50, 51,

[No 49 corrected by Abp *Sancroft*: the rest in his own hand.] 52.

Copy of the original Warrant of Commitment of the Bishops to the Tower, 8 June: Compared by *Nath. Powel*, Not. P. &c. Ibid.  
Vol. 28.  
No. 53.  
Page 353.

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Ibid. Copy of the original Order of Council for prosecuting the Bishops, 8 June. Page 354.  
Vol. 28.  
No. 54.

[A certain Writer, in his Memoirs, observes that Father *Petre* by the King's command was excused from signing the Warrant of Commitment of the Seven Bishops to the Tower: this Jesuit's Name however is inserted, as a Member of the Privy Council, in this Order for their Prosecution.]

Ibid. Letter to Abp *Sancroft* from the Bp of *London*, the day after the Bishops were committed to the Tower. Page 355.  
Vol. 28.  
No. 56.

Ibid. Another to the Abp from the same: With a list of such Lords as were recommended to be Bail for the seven Bishops. Page 356.  
Vol. 28.  
No. 61.

62. Letter to the same from the Bp of *Norwich*: With one enclosed from Sir *Thomas Clarges*; relating to the Prosecution of the Bishops, 14 June. Page 358.  
Ibid.  
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Ibid. Letter to Mrs. *Nalson* from Dr. JOHN NALSON; relating to the Bishops in the Tower, 14 June. Page 360.  
Vol. 28.  
No. 64.

Ibid. Subjects for the consideration of the Bishops, relating to their Trial. Page 361.  
Vol. 28.  
No. 57.

Ibid. Letter to Abp *Sancroft* from the Bp of *Winchester*, while the Bishops were under Prosecution; 24 June. Page 362.  
Vol. 28.  
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Ibid. Minutes for his Grace of *Canterbury*: Prepared by Mr. HANSES, to have been spoken at the Trial. Page 363.  
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[The latter part of Title in Abp *Sancroft*'s hand-writing.]

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Ibid. A Speech prepared by the Bp of *St. Asaph*, (Dr. WILLIAM LLOYD) to have been spoken at the Trial. Page 369.  
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[The whole transcribed by Abp *Sancroft*.]

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## N<sup>o</sup>. LIV.

Letter to Abp *Sancroft* from Mr. INCE, relating to the Jury at the Trial of the seven Bishops, 30 June. Ibid.  
Vol. 28.  
Page 374. No. 83.

## N<sup>o</sup>. LV.

An account of the Proceedings at Westminster Hall on the 29th and 30th of June 1688: Ibid.  
Vol. 28.  
Relating to the Tryal and Discharge of the Archbishop of *Canterbury*, the Bishops of *St. Asaph*, *Chichester*, *Ely*, *Bath* and *Wells*, *Peterborough* and *Bristol*. No. 85.  
Page 376.

[This short Account of the seven Bishops' Trial and Discharge is from a printed half sheet.]

## N<sup>o</sup>. LVI.

Letter of congratulation to Abp *Sancroft*, after the Bishops' Acquittal, from the Bp of *Norwich*. 2 July. Ibid.  
Vol. 28.  
Page 383. No. 89.

## N<sup>o</sup>. LVII.

Letter to the *Archbishop* on the same, from Sir GEORGE MACKENZIE. Ibid.  
Page 384. Vol. 28.  
No. 88.

## N<sup>o</sup>. LVIII.

Memoranda and Directions for some of the Bishops Correspondence during the Summer 1688. Ibid.  
Vol. 28.  
Page 384. No. 108.

## N<sup>o</sup>. LIX.

The Articles recommended by the Abp. of *CANTERBURY* to all the Bishops within his Metropolitan Jurisdiction, 16 July 1688. Ibid.  
Vol. 28.  
Page 386. No. 93,  
94, 97.

[The two first Numbers are in Abp *Sancroft*'s hand-writing: the last a printed Copy corrected by the Archbishop.]

## N<sup>o</sup>. LX.



N<sup>o</sup>. LX.

- Ibid. King JAMES the *second's* Instructions to the  
Vol. 28. *Judges* Itinerant in the Summer, 1688. Page 391.  
No. 100. [The Title in Abp *Sancroft's* hand-writing.]

N<sup>o</sup>. LXI.

- Ibid. Justice ALLIBON's Charge at the Assizes at Croy-  
Vol. 28. *don*. Page 393.  
No. 101. [The Title by Abp *Sancroft*.]

N<sup>o</sup>. LXII.

- Ibid. Mr. MAURICE's Draught of an Answer to the  
Vol. 28. Pastoral Letter of the four Titular Bishops.  
No. 106, Page 397.  
107. [No. 106 is a Transcript of the first part by Abp *Sancroft*.]

N<sup>o</sup>. LXIII.

- Ibid. Copy of King JAMES the *second's* Mandate to  
Vol. 28. *All Souls'* College for the Presentation of *John Cart-*  
No. 113. *wright*, M. A. of *Trinity* College *Cambridge*, to the  
Vicarage of *Barking, Essex*, 13 Aug. 1688.  
Page 404.

N<sup>o</sup>. LXIV.

- Ibid. Copy of an *Address* to K. *James II*, from the Bi-  
Vol. 28. shops. Page 405.  
No. 135. [In Abp *Sancroft's* hand-writing: and that it was drawn up  
by his Grace is probable from the many corrections and interpo-  
lations by himself.]

N<sup>o</sup>. LXV.

- Ibid. An Account of some of the *Bishops* presenting an  
Vol. 28. Address to the King, with Ten Advices. Page 409.  
No. 128, [No. 128 is the original Summons: And the whole of the  
134. Account is in Abp *Sancroft's* hand, and subscribed by his Grace  
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Vol. 28.  
No. 137.  
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## Nº. LXVII.

Praiers to be used in all Cathedral, Collegiate and Parochial Churches and Chapels within this Kingdom, during this time of publick Danger; &c. Ibid.  
Vol. 28.  
No. 139.

By his Majesty's special Command. For Repentance; for the King; and for Peace and Unitie.  
Page 416.

[The whole in Abp *Sancroft's* hand writing.

The author of the "History of Desertion" says, "I am fully persuaded, these Prayers contributed very considerably to the late Revolution, and taught men they were no more bound to promote any of the late King's undertakings with their swords, than with their prayers, but what tended to the honour and service of God. And the very supplicating God to 'preserve our holy Religion, together with our Laws and ancient Government,' necessarily put men in mind they had been endangered, and by whom was as well known. And it seemed nonsense and hypocrisy, to pray to God to preserve these, and in the mean time to aid and assist the *enemies* of both to destroy and ruin them."]

## Nº. LXVIII.

King JAMES the *second's* Mandate to the Abp of *Canterbury* for granting his Dispensation to *Robert Hanbury* to hold two Livings, notwithstanding the same are without distance: 13 Oct. 1688. Ibid.  
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N<sup>o</sup>. LXIX.

- Ibid. Letter to Abp *Sancroft* from F. E. [*Francis Bp*  
Vol. 28. of *Ely*.] Page 420.  
N<sup>o</sup>. 132. [The whole in the Bp of *Ely*'s hand writing.]

N<sup>o</sup>. LXX.

- Ibid. Letter to the Abp from the Bishops of *Rockester*  
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N<sup>o</sup>. 133. [In the hand-writing of the latter.]

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- Ibid. A Journal of what passed between the *King*, and  
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N<sup>o</sup>. 146, the Designs of the Prince of *Orange*: 1688. With  
154, 155, some original Letters. Page 422.  
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- Ibid. Letter to Abp *Sancroft* from the Bp of *Rockester*  
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N<sup>o</sup>. 167, tion of the Conference between the King and some  
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- Ibid. The Bishop of *Peterburgh*'s Relation of what past  
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N<sup>o</sup>. 169. [in a Letter to the Bp of *St. Asaph*.] Page 440.  
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## Nº. LXXIV.

Vote of *Thanks* from the House of Commons *Ibid.*  
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# COLLECTANEA CURIOSA.

## Nº. I.

*The Antiquity, Use, and Privilege of Cities,  
Boroughs, and Towns:*

*Written by Mr. FRANCIS TATE of the Middle  
Temple, London. [9 Feb. 1598.]*

THEY that are conversant in Stories may easily observe, that the Latinists without Distinction use the name of *Villa, Civitas, Urbs* and *Oppidum*, and the Saxons *Cester, Burgh, Tune*; yet if the proper Signification be well considered we shall find the same thus to differ.

The Latin word *Civitas* properly is referred to the People, and Inhabitants, which live under one, not onely one Law, but also under one and the self same Magistrate and Government.

*Urbs, Villa* and *Oppidum* signify the Place wherein those Citizens live and assemble themselves.

*Oppidum* and *Urbs* are like in this, that both of them are places defensible and enclosed for the safety of the People; the Difference betwixt them is in this, that the one was intrenched with more Solemnity, and for the most part walled about, the other commonly not at all. *Terentius Varro*, in the fourth Book *de Lingua latina*, saith, *Urbem dici quod Aratro præfinita &c*; And there also saith, *Urbum et flexum in Aratro*. [*Oppida quæ prius erant circumducta aratro, ab orbe et urbo urbes.*] Wherewith concurrerth the Opinion of the Britons, in the Time of Cæsar, who, in his Commentaries,



Lib. V. [cap. 21.] saith, *Oppidum Britanni vocant, quum silvas impeditas vallo atque fossa munierunt, quo, incursionis hostium vitandæ causa, convenire consueverunt.*

Cityes have been divided into Cityes Metropolitan, and lesser, greater, and greatest.

Those wherein there is an Archbishop are called Metropolitan Cityes, and in Saxon Alderboroughs; not so much because others were derived from them, but because they were principal Cityes, and, as Mothers, cherished, defended and governed the other.

In this Realm of England we have no City that deserveth the Name of *Maxima*, for, properly the Sees, or Seats, of Patriarchs are termed *Maximæ Civitates*, and thereof are but five in the World, *Rome, Constantinople, Alexandria, Antioch, and Hierusalem.* Our greatest are those wherein the King maketh his chiefeſt Residence and Abode, and in which are the biggest Seats for Administration of Justice, as *London*, which may be termed *Civitas Regia*, and so have place amongst the great Cityes.

Cityes are reputed greater or lesser according to the Privileges granted to them, and the Concourse of People resorting thither.

The latter Writers use not these Distinctions, but of long time have been confounded and used indifferently, and the great Cityes termed only *Ville*; which at the first was a meaner Name, than any of the former, and extended but to Country Towns, wherein Husbandry onely was used, as may appear by that which followeth.

In the 15 Year of Ed. IV. fo. 29. it is said, that *Coventry* is an ancient City, and the Citizens prescribe to have Common in *Burflowes Land*;

Land; yet in the 30 H. VI. when the same was severed from *Warwickshire*, and made a County of itself, it is termed *Civitas sive Villa de Coventre*: and 8 Febr. 49 Ed. III. Edward Prince of Wales granted *Majori Ballivis, &c. Villæ de Coventre*, that within a certain Precinct set down in the Charter they should enjoy such Privileges as were granted unto them by K. E. III. and by Isabel his Mother, and Grandmother. And Leoffric Earl of Chester, and Founder of the Pryory of Coventry Anno 1043, granted *Medietatem villæ in qua fundata est Ecclesia sancti Edwardi*: Also in his Charter termeth it no better but *Villa quæ dicitur Coventre*.

And 47 E. III. f. 26. *Bristow* being an antient City K. Ed. III. granteth, *Quod Civitas Bristow sit Comitatus de se, &c.* And yet after that in 8 E. III. f. 11. in a *Juris utrum* the Jury was to be impannelled *de Visnet Suburbie ville Bristol*. In 18th feb. . . . exception was taken to a Writ *de visneto de London*, forasmuch as it is a County, and you cannot have a Writ *de visneto Comitatus*. It was then replied that *London* was there named as a Town, and not as a County.

*Civitas* and *Urbs* are likewise confounded. The Charter of K. H. II. grants *Civibus London quietanciam Murdri infra urbem*. Also those parts of Cities, which lye without the walls, and next adjoining thereupon are part of the City, as appeareth 5 E. IV. f. 20. and yet they are called Suburbs.

*Cæsar* in his Commentaries Lib. VII. [cap. 12, & 14.] seemeth to confound *Urbs* and *Oppidum*, where he saith, *Avaricum oppidum Biturigum — pulcherrima prope totius Gallie urbs*; In the Description whereof it appeareth to be a walled Town, for he saith that it was *cincta valloque*.



*Civitas* and *Oppidum* are likewise confounded in Bede's Ecclesiastical History, lib. I. cap. 5. he saith *Severus apud Eboracum [oppidum] morbo obiit*, and yet in the 29th Chap. of the same Book he calleth it *Civitas*.

*Civitas* and *Ceaſter* all men agree to be one, and *Civitas* and *Burgus* ſeem alſo to be one, both for that they are indifferently termed Cities or Boroughs by writers, and alſo that they have the ſelf ſame Privileges. That in writings they are confounded appeareth by the Charter of William the Conqueror, for in Latin his grant is made *Civibus London*; and the ſame in old Engliſh is *Burgh-waren*. The City called in Latin *Dorobernia*, in old Engliſh is *Cantwarabyrig*. Bede lib. III. cap. 22. calleth Towns ending in *Burgh* Cities, as thoſe which end with *Ceſter*, or *Cheſter*, as *Tilaburg [in ripa Tamensis amnis, Ythancaſtir in ripa Pentæ.]*

That their Privileges are one appeareth by theſe few ſet down for Example.

*Murage* may not be taken but for Boroughs and Cities.

The Cuſtom of *Burgage* extendeth to Boroughs, as well as to Towns.

All high Ways leading to Cities and Boroughs are *Vie Regie*, Hen. I. They which break the Gates of Cities or Boroughs are called *Burgſores*, ſo *Borrowbreach* is interpreted *Civitas rupta*.

Bede lib. III. cap. 19. expoundeth *Cnobberesburg* to be *Urbs Cnobberi*; and lib. III. cap. 6. & cap. 16. in the one *Bebba Urbs regia*, in the other *Bebbanburgh*. And ſo others derive the French word *Burgus* from the latin *Urbs*.

Bede in the 11th Chap. of his fifth Book, expoundeth

poundeth *Viltaburg* to be *Oppidum Viltorum*. The reason that *Urbs*, *Oppidum*, *Burgus*, and *Borow*, or *Berry*, are indifferently used by Authors is, for that they have the same Signification in divers Languages. For, as Varro termeth *Oppidum* [*ab ope dictum*] *quod opis caussa munitur*; so was it also esteemed by the ancient Britains, &c.

*Borough*, *Burg*, *Byrig*, and *Burgus*, have the like Signification in old English, viz. a Place of Safety. Chaucer often useth *Burow* for a Pledge or Surety, and so do the Scots. I have David's Psalms in very old Metre, and, in the 25th Psalm, *Bericher* is used for a Saviour. And in 17th Ps. 55th Ver. for Delivereth is said *Beryed*. I find also in *Prompt parvi*, that *Orbiculus* is englished a *Burow*, or Circle. And Thomas Thomasius in his Dictionary englisheth *Brunius* a *Barrow*, or Hillock of Earth.

The Laws of this Realm put a Difference between *Civitas*, *Burgus*, and *Villa non clausa*.

The two first in the Statute of Winchester, are comprehended under the Names of *Graund Vills que sunt closes*, and therefore the other which is there called *Villa*, simply without Addition, I call *Villa non clausa*, for distinction sake, from *Villa*, which, being spoken of a walled Town, is often used for a City.

A City therefore with us is a Town fortified, and enclosed with Trenches, Gates, and Walls, by License of the King, and so by him intituled.

By the Statute of Winchester, all walled Towns must keep their Gates shut from Sun-setting to Sun-rising, and at every Gate they must set Watchmen, if a City, six at every Gate; a Borough, three at every Gate; But Towns not enclosed are to watch their Streets with six or four men according as the Town is peopled.

Concerning



Concerning the Antiquity of Cityes and walled Towns, it appeareth that there were Cityes heard of in the Time of the Britons, and Romans: The Number whereof Bede lib. I. cap. 1. saith was 28, and so saith Hen. Huntingdon lib. I. cap. 1. and he setteth down the Names of them all.

And I suppose that almost all the Nations of the World, in building of Cityes, imitated God's politique Ordinance, prescribed to the Israelites, Numb. 35. They walled in a Town for their Habitation, which they called a City, and without the walls they measured out a thousand Paces, which was their Suburbs, for their Cattle and for their Goods, and for all their Beasts.

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N<sup>o</sup> II.

*The Antiquity, use, and ceremonies of lawfull  
Combats in England;*

*Written by the same. Febr. 13. A. 1600.*

**T**HE single fight of man to man, which the Grecians called Monomachia, the Civilians Duellum, and we Combat, or Battel, the Saxons termed Fœhð, and Eopnert; (or as I find it written of later times in Records Orest,) and the Normans Lationtes Bellum.

The lawfullness of single combat is not onely called in question, but generally condemned as unlawfull. First, for that reason is proper to man; but

but force, and violence to brute beasts. Fern, fol. 413. Secondly, it is a temptation of God, as is said in Summa Rosella. Thirdly, it is not warranted by God's word, but rather expressly forbidden by that law which requireth two witnesses to establish every accusation: But combat is never allowed when proof by witnesses may be had of the thing in controversy.

Therefore, to proceed the more easily in deciding this question, Battels and Combats must be distinguished; for there are combats of many sorts. Some are manifestly unlawfull; as are all those which are entered into without authority of the Magistrate, or any form of law, as upon private quarrells; either unpremeditate, and in hot blood, or else upon cold, and grounded malice: And so are exercise, and disports of weapon without warrant of long usage, or Letters Patents.

Those which are done by allowance of authority, and course of law, are either in personal, or real causes. Personal Combats are for causes of two sorts; the one for capital, and felonious matters; the other for civil offences, and falsity in word, or deed; Vide Miroir des Justices, Lib. III. fol. 123, 124. Combats personal that are derrained for causes capital, are alwaies fought either betwixt the subjects of one, and the self same Sovereign, or else they are of diverse realms.

The subjects of diverse realms waging Battel, the place, and judge of weapons to fight, is such as pleaseth the party challenged to elect with indifferency. And though it may justly be thought unindifferent to nominate his own country for the place, yet 1350. 25 Ed. III. the French King beheaded Thomas de la Marche base son to Philip King of France, &c. 1384, 1400.

Battel



Battel personal gaged betwixt the subjects of one kingdom in criminal causes, are to be fought before the King himself, or the Constable, and Marshal, or the Justices of the Kings bench at the election of the Appellor. If the appeal be brought in the high court of Parliament, or the military court of the Constable, and Marshall; the manner of fight is as the parties shall accord; either on horseback, or on foot, by Capitulation, or a Toute Outrance.

The lawfullness of these I do not undertake to defend; but I hold some of them most unlawfull, that are a Toute Outrance: And yet I hold all appeals triable in the King's Bench lawfull. The Parliament in the time of King John, and the carriage of other kings herein since concur with me in this difference. For generally all statutes made concerning Combats do abridge, and cut off occasions of such trial. For Poggius reporteth, that K. E. III. by devising several blazons of one, and the self same arms, ended a controversy between two Captains, one of Genoa, and the other of France, both bearing Or, a Beast's head Gules; and blazoned the one an Ox-head, the other Cow's head: Alciatus commendeth the fact of the King. But the Parliament in King John's time enlarged trial by Battel, when they allowed a man convicted of felony by his voluntary confession the Coroner in sanctuary to appeal another. The reason of this diversity I will shew hereafter.

Combats for personal and civil causes arise either by reason of injurious, disgracing words; or some act prejudicial to the honour, and reputation of another. The injury of reproachfull words is when one calleth another traitor, murderer, or objecteth some such other criminal cause. If it be a capital offence at the common law, the trial may be

be in the King's Bench by Appeal; or before the Lord High Constable and Earl Marshal. If it concern a military offence punishable by death, it is triable onely in the Military court. If it concern matter of honour and arms, the King's Bench hath no jurisdiction. Some injuries of fact have been of antient time determinable in the King's Bench, which cannot be tried before the Constable, and Earl Marshal. Others concerning military causes, or honour, and arms, are triable onely before the Constable, and Earl Marshal of England.

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N<sup>o</sup> III.

*A Discourse touching the unlawfulness of  
private Combats;*

*Written by Sir EDWARD COOK, Lord Chief  
Justice of England, at the request of the  
Lord Henry Howard, Earl of Northampton.*

Most hon. Lord;

**W**E are much bounden to Almighty God, that hath sent us such a Sovereign, as continually studieth by his princely wisdom to prevent the greatest offences, that are the least punished; and of all, none more worthy of his roial reformation than the prevention of shedding of innocent blood, and most commonly of the good blood of England. And blessed be his Majesty, who absolutely denieth pardon in that case, (unless he be informed of some just cause by some of his Judges,)



for I have known, that hope of pardon hath emboldened many in such cases. *Maxima peccandi illecebra impunitatis spes*, as your Lordship knoweth.

The law of England forbiddeth any man to use any private revenge: for nothing is more opposite to monarchy, than for any man to take the sword of revenge in his hand, but by lawfull warrant from his Sovereign. And chiefly, if any man, upon what injury soever offered to his person, or fame, fight by appointment for revenge, and kill, 'tis wilfull murther; if upon a sudden, manslaughter, unless he flee to a place, (upon his adversaries assault) than which he can flee no farther, and then do it in his own defence, which seldom or never falleth out. And hereof the law saith, *Infelix pugna, ubi magis periculum incumbit victori, quam victo*: For the victor in that case is to be hanged, his blood corrupted, (the loss of his honour, and posterity) and the loss of all his lands, and goods; for the law saith, that if he were noble before, thereby he becomes ignoble, and his children are *tanquam filii terræ*.

It is a good rule, *Quod quisque ob tutelam corporis sui fecerit, jure id fecisse videtur*: But the necessity must be so inevitable as cannot be avoided, or else in that case it shall not excuse him. For if a man assault, or strike any man with hand or weapon, it is not lawfull for him to strike again, and kill him; but he must fly as far as he can to a place, or streight, out of which he cannot flee, or pass; and then also may he onely strike for the safeguard of his life; but for words of any nature whatsoever no man by the law of England can strike any man. Thus precise is the law of England concerning the effusion of man's blood. And the law termeth the killing of a man *peccatum horrendum*; alluding

alluding (as I think) to the saying of the Divine, *Tantus fuit horror effusionis humani sanguinis, ut licet David optimus erat in toto Israel, noluit tamen Dominus ipsum ædificare templum suum, &c.*

But because, *Ex talitro itur ad pugnam; hinc ad fustem, et ferrum*: the law, by the way of prevention, upon assault offered to the person, or upon words tending to the breach of the peace, hath given power to the officers, and ministers of justice, to bind the party offending with good surety to the peace, or good behaviour, as the case shall require. If he slandereth another (if the words will bear an action) the party may have an action upon the case; and if he be noble, &c. an action *de scandalis magnatum*.

But the law inflicteth no punishment for giving the lye, or calling another knave, &c. and the reason hereof is for the avoiding of the multiplicity of suits for such light matters as they be termed; unless they proceed to a fray, and then he may be indicted at the king's suit for breaking of the king's peace; wherein the fine may be aggravated by the words, &c. or the party may have an action of battery, if he be beaten; or for an assault only; and if need be each, or either party, as the case shall fall out, may be bound to the peace, or good behaviour, with good sureties, as hath been said.

I find of ancient time<sup>a</sup>, that if a Riband had stricken a Knight, or other honourable person, by the ancient law of England he should have lost his hand: But that is not law at this day, but is antiquated.

Your Lordship (and I am glad it is fallen into

<sup>a</sup> Briton (who wrote 5 Edw. I.) fol. 496.



your Lordship's hands) is about a most excellent work. For it is a rule in the nature of man, That he that is injured, and cannot have satisfaction, nothing is more sweet unto him than the passion of revenge. And I make no question, but that your Lordship, that is endowed with such rare ornaments of nature, honour and arts, will bring this work to an exquisite, and excellent perfection; to the great honour of his Majesty, and the general good of your country. And thus desiring Almighty God to send your Lordship many and happy years, with much increase of honour; I humbly take my leave this 3d. of October 1609.

Your Lordships,

most humbly to be commanded,

EDWARD COOK.

#### N<sup>o</sup> IV.

*Of a LIE; how it may be satisfied; or at least how it ought to be dealt in by an Earl Marshal: as also, what laws are necessary to be established to prevent the many barbarous mischiefs, that daily do happen for default of some such course to be taken.*

BY ANONYMOUS.

**I**T hath been a question among many men, how it is possible by words to satisfy a lie, given by equals to each other: and it is commonly held, that

that words cannot satisfy words. But for mine own part I am of the contrary opinion; and my reasons persuading me unto it are these.

First, there are in man two principal parts, understanding and will. The understanding serveth to concept, and comprehend all things propounded unto us; and to discern, and judge, what we ought either to approve, and allow, or what to refuse, and reject. The will is that which executeth, and bringeth to effect, whatsoever the understanding judgeth to be good, and contrarily flieth from that which it reproveth, and condemneth. But if we encline onely to our wills, rejecting the discourse of reason; such are compared rather to brutish natures, than human creatures.

Secondly, it hath been alwaies held, that justice without temperance is rigour; and fortitude separated from justice is rashness and cruelty. This being granted, what followeth, but that man, being a reasonable creature, ought rather to be satisfied by reason, than by rigour; joining fortitude with justice, and seperating from him rashness and cruelty, enemies unto true honour, and human nature.

These things being laid for our ground, let us come to the question propounded; how a lie may be satisfied without actual revenge. To which I thus answer. First, the lie is either truly, or falsely given. If it be truly given, that is to say, if he that receives hath not spoken the truth, the fault in the giver is so much the less; and then the conditions will be so much the more equal; because the one hath offended in speaking untruth, and the other in behaving himself uncivilly. Therefore in this case both are to be made to acknowledge their faults to each other; and to profess themselves



selves to be sorry wherein they have offended each other: But he that gave the lie is first to do this. And this, in this case, is a sufficient satisfaction, and more ought not to be required between party and party.

But if the lie were unjustly given, and that he which received it deserved it not; then is the giver the liar, not he that received it; who is in that case to acknowledge, that himself was the liar, that he desireth pardon of him that was wronged, acknowledge himself sorry wherein he hath offended; and this being done as publickly as the offence was given, hath been ever esteemed by reasonable men to be a sufficient satisfaction for a lie so given; because he is justified, and restored, that had the wrong; and the wronger hath made restitution in the same nature he offended; and condemning himself by his own mouth hath thereby made it clear without farther question.

But here it may be replied, that it is dishonourable for a man of reputation, and spirit, especially a man at arms, to do this, or to acknowledge himself did lie; because good men are alwaies bound to justify what they have once spoken to be true. This is true in part, but not wholly; because men are not so perfectly good, that they have not in them some imperfection, or error, by which they are led to do many things not justifiable. And therefore in the judgement of good men it hath alwaies been held more glorious, and praise-worthy for a free, and generous spirit to give unto all men their right, and wherein they have injured any, liberally, and nobly, to make an ample, and full satisfaction; which is but justice, it being the level which good men walk by, by which marks they are so known and called. For we must esteem justice

tice to be the chief of all virtues, and valour to be of no value, if it were not joined with it; yea it were needless, if all men were just; and therefore he is not to be esteemed for a good man, that will persevere in justifying of an untruth, nor valiant, that shall persist in the avowing of it. And a good man neither may, nor ought, for any cause, to slander, deceive, lie, or execute any such like thing wittingly. But if hapily he hath fallen into any of these, or the like, it is his glory to disavow them to be his actions; I mean such as he will avow for his. To the contrary, if any shall refuse this to do, he may truly be said to be willfull in doing of mischief, and hardly upholding his transgression: for redress of whose errors, and punishment of whose offences, good, and sharp laws have been provided in all well governed Commonwealths. Therefore howsoever (by men wanting experience, and understanding in matters of honour, and justice) it may be thought dishonourable for a man of honour, especially professing arms, to do this abovesaid; yet by men of judgement, and experience, it will not be so esteemed: because such men bear their arms for maintenance of justice, not of injury.

But in the determining of these questions I confess great care and consideration is to be had, and many circumstances are to be enquired of, and looked into with a most sharp eye, and profound judgement: because matters of honour, and esteem of reputation, are held of that value, as good men prize them higher than either life or living. And there is no action done, but is different for the most part from precedents forepast; especially actions of this nature. And therefore these ensuing general rules must alwaies principally be considered of,



of; from whence other infinite particulars may be collected according to several occasions profitable for help of judgement: that is to say; the occasions if just, or unjust; the persons, if inferior, or superior; the places, if privileged or free; the times, if temperate, or distemperate.

But to prevent (as much as is possible) that these questions arise not at all; it were not unfit, that laws, or ordinances, to this effect, were publicly established. For now, without them, men speak barbarously they care not what, so it be without the compass of Action. Besides, the course of the common law is so tedious, and the determination in conclusion referred to the judgement of twelve poor men, that were never sensible, what belongeth scarce to honesty, much less to honour; as the aggrieved oftentimes chooseth rather to undergo a disgrace, than to pursue the revenge; whereout doth follow many inconveniences, which an Earl Marshal, and an orderly proceeding in his Court, would mightily reform in sentencing, and seeing these, and the like laws, duly executed.

Whosoever shall give occasion of offence to his equal, or superior, in so high a nature, that it may tend to his publique or private disgrace; on complaint, and proof thereof made, the party so offending, is to be punished at discretion.

Whosoever, upon what occasion soever, shall give unto his equal, or superior, the lie, or any other word of disgrace tending thereto, shall be imprisoned, and be adjudged to unsay his own word, and to acknowledge to have wronged the party unto whom he gave it, and to protest himself to be sorry for it, and to desire his pardon. And if he shall refuse this to do, to be continued in prison untill he do it; and during his contempt  
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to be held, and published, a barbarous, rude, and uncivil person, unmeet, and unfit for civil company.

If any base or inferior person shall use opprobrious, or unworthy words of his superior, such as by the judgment of the Marshal, and of his Court, shall tend to the plaintiff's disgrace; it shall be lawfull for the said Marshal, and his Court, to inflict such punishment upon the delinquent, for satisfaction of the aggrieved, either by fine, or imprisonment, as to him, and them shall seem good.

And to provide that these laws (for so I call them) shall be observed according to their true intent; it is likewise ordered, that whosoever shall be present at any such question, or controversy, arising between party and party, (if instantly between themselves it be not at that time ended peaceably, but that it is likely to grow to farther mischief;) they who are present (as is said) or have knowlege thereof shall immediately give notice thereof to the Earl Marshal, or some of his, under pain of being punished as consenters, or abettors of the mischief to ensue, or contemners of his Majesty's orders, provided for the avoiding of these monsters, and unnatural mischiefs, that by permission of these private encounters have heretofore ensued.

But if any shall dare to be so presumptuous, notwithstanding these ordinances, by preventing the knowlege thereof to be taken, to encounter with each other within this Realm; it is hereby published, that under pain of his Highness's displeasure, none whosoever shall dare to be so hardy as to sollicite his Majesty for grace, or pardon, in the behalf of the delinquent, if either party be slain; but that the law may be permitted to take his course according unto the nature of the offence.

Against these laws it may be objected, that they

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are ordained to make men base, and cowards; because they leave no means to exercise valour, or generosity, but enforce men to undergo a disgrace, or injury, with the bare satisfaction, that justice doth afford; wherein the difference cannot appear between the feeble, dejected spirit, and the magnanimous nature. Which although in truth it be not so, yet let such men learn to know, that generosity, and magnanimity is not eminent, nor seen in private encounters, where there cannot be said to be any advantage or disadvantage. For that is so easy an enterprize, that he must be more than a coward that shall refuse it, on a just occasion especially. And upon these terms (in truth) glory is not alwaies due to the conqueror; because such victories (oft-times) happen rather according to the will of fortune, than by the rule of virtue; as experience hath made it manifest by giving weak, and feeble cowards the upper hand (in shew) over strong and valiant persons. And to say the truth, the odds of these encounters is on the party of the coward, who comes with dread, and fear, plodding by all means to defend himself, and to take all advantages that opportunity shall give him on his adversary. But the dauntless spirit comes fraught with disdain, being powerful in his heart and victorious in his nature, preventing nothing but fear; and so being taken is unfortunately slain: in which case he is truly esteemed to be the conqueror, whose spirit dies free, rather than the other, who was dejected before he was encountered, and dead before he saw the danger.

Besides, noble and good men do know, that true generosity doth not consist onely in conquering, but in magnanimous suffering, when all power of resisting is taken away. Virtue evermore appearing

ing like unto fire, the more it is enforced downward, the more it ascendeth, and the higher it flames. And to say more, what hath ever been approved, that they are void of generosity who fight for fear of shame, or by constraint, or through ignorance of danger, or being stirr'd up by other men's speeches, or enforced by choler. And it cannot be denied, but that all strong and valiant men are hardy; but not all hardy men valiant: because hardiness cometh to men by use, or practice, by anger or policy; but fortitude is ingendered in the soul by nature, and education: wherefore it standeth not in need either of choler, rancor, ambition, pride, or any other evil passion. Neither can a free, and generous mind think it baseness to submit himself for satisfaction of private wrongs to reason, and justice; in as much as his nobleness is ever watchfull over himself, never to proffer, or do injury to others: And living under a just government he willingly submits himself, and his wrongs, to be tried by that rule which measureth to all men alike: it being his part to maintain, and uphold as much as in him lies the honour, and course thereof against the barbarous contemners; it being far more honourable to live regular than irregular.

Lastly, why should men think it strange to be tied to those ordinances in a peaceable commonwealth; when in a well-governed army for a man to move the least private quarrel, it is death? And yet (I trust) that place doth not nourish cowardice. But by the best observers it is held for an axiom, grounded upon experience, that the tallest swordman in private quarrels, is not the valiantest soldier; but the valiantest soldier is alwaies noted to be a fearless swordman.



[*The following is added in Abp. SANCROFT's hand.*]

Against Duels see *Les Revelations de l' Hermite solitaire per de la Chapponaye, Chevalier de la Magdaleine.* 8°. Paris, 1617: to which there's an excellent Preface.

*Remonstrance du Sieur de Balagny* to the Noblesse of France; written in the three daies, that he liv'd, after he was mortally wounded in a Duel. See it in *D'Antrevilles Estat general de France.* p. 177—223. See also the 2d. Edition of the same Book, entituled *L'Inventaire*, p. 132. and 222.

An excellent Edict of H. IV. against Duels. *Mercure Francois.* f. 353, b.—359. *Mercure Francois* of 1606. f. 101.

The Ghosts of *Villemor*, and *Fountain*.

*The French King's Edict, constituting Duels to be punished in the nature of Treason within his dominions.* [an. 1609.]

IN the month of June the edict for the forbidding of duels, or challenges to combat, was verified, and published: The corruption of this age having brought in a damned opinion, and custom, among many of nobility, and others, that make profession to bear arms: who believing themselves to be bound, and obliged in honour, if they be offended in word or deed, to challenge him to the combat, of whom they pretend to have received the offence: whereof have ensued great, and pitiful accidents, by the loss of a great number of gentlemen of valour: and by this effusion of human blood, so detestable before God, who hath expressly ordained

us to leave the revenge unto him, and not to be homicides: it seemeth, that the divine commandment came to be despised in that sort, that a gentleman, that esteemeth himself interested in honour, ought, to the danger of his soul, to seek the combat, by a challenge against his enemy: and farther also, that the royal authority was greatly violated by the like acts, every one presuming particularly, to answer in the field to a combat, without the King's permission, within his kingdom; and the party presuming to do himself justice, under pretence of preserving his honour: Moreover the just complaynt of many fathers, and others, that feared, that the temerity of youth would precipitate, and cast headlong, their children to those bad counsels: And combats being fought by some through ambition, to the peril of their souls, and honour; and accepted of others, that conceived they might not shun the combat, fearing, lest they should be holden to be less courageous than their enemies:

His Majesty, after he had upon these complaints the advice of the Princes of his blood, and other Princes and officers of the crown, hath declared criminal of high treason, all those that shall undertake to challenge, or cause any to be challenged, to the combat, under pretence to be satisfied of any injury or other cause whatsoever: likewise those that shall challenge any person for another, or that shall second, accompany, or assist the said challengers: his will is, they should be punished according to the rigour of the ordinances, and that the suffering of death, and confiscation of goods, shall not be moderated, under any pretence whatsoever. Likewise there shall be proceedings with the like rigour against those, that, being called, shall go to the combat, and all others, that accompany, or  
second



second them therein. But to the end that those, that pretend they have been injured, or that shall be called to the combat, may not complayn, that they remayn interested or touched in honour; he commandeth by this edict, to my Lords, the Constable, and Marshal of France, and to the Governours, and Livetenants General of the Provinces, every one in the extent of his government; that assoon as they shall be advertised, by the party wronged, or by others that were present, or have knowledge, that some gentlemen have received wrong, whereunto it is reason, that there be a reparation made; they cause to be called before them both parties: unto whom they shall forbid, and charge in his Majesty's name, not to come to the combat, nor to undertake, by reason thereof, any thing one agaynst another, by way of action, directly or indirectly, upon payn of death: And after they have heard them in presence of the lords and gentlemen that were in place, and others that shall be called by them; he giveth them by this edict power to ordayn, by sovereign judgment, for the reparation and amendment of the wrong, that which in their royalties, and consciences they shall judge to be reasonable; whereunto the parties shall be bound to agree, and comform themselves, upon payn, as well to him that had done the wrong, as to to him that pretended to have received the same, of incurring his indignation, and to be banished the Court, and from that province of which he is; and such other punishment, as shall happen to be made according to the quality of the fact: Moreover it is ordained by the same edict, that the ordinary, and extraordinary criminal processe shall be made against the memory of those, which, on the one side or other, shall be slain by others in those combats, after

after the publication of the edict, as against the crime of high-treason. The verification of the edict doth carry this clause, without that the Constable, Marshal of France, and Governours of the Provinces, may take knowledge of the crimes, delicts and actions, that concern not that which is esteemed any point of honour, between the lords, and gentlemen, and others, making profession of arms.

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N<sup>o</sup> V.

*Of the first establishment of English Laws, and  
Parliaments in the Kingdom of IRELAND :  
October 11th 1611.*

*Written by JAMES USHER, afterwards Arch-  
bishop of ARMAGH.*

AS soon as the Realm of Ireland was come into the hands of the Kings of England, their first care was to provide, that the church, and commonwealth, in both nations, should be governed by the same laws. And therefore King Henry the second, being here in person in the year 1172, among other orders taken for the settlement of this state, caused two Councils to be assembled; the one at Cashell, the other at Lismore. In the former it was agreed by a Synodical Constitution, that "*Omnia divina ad instar sacrosanctæ ecclesiæ, juxta quod Anglicana observat ecclesia, in omnibus partibus Hiberniæ, amodo tractentur: dignum et-*"  
" *enim,*



“enim, et justissimum est, ut sicut Dominum et Regem ex Anglia, sortita est divinitus Hibernia, sic etiam exinde vivendi formam accipiant meliorem;” so recordeth Giraldus Cambrensis in the [first] book of his history of the Conquest of Ireland. cap. 34. In the other, “*Leges Angliæ ab omnibus sunt gratanter receptæ, et juratoria cautione præstita confirmatæ;*” as witnesseth Matthew Paris in his great history.

The like course was taken by his son King John, at his being here in the year 1210: as appeareth partly by the report of the same Matthew Paris, but especially by Letter Patents of Henry the third, (dated at Woodstock the 9th of September in the 30th year of his reign,) remaining among the records of the Tower of London. The words of the Historian be these, speaking of King John's doings in Ireland: “*Fecit Rex ibidem construere leges, et consuetudines Anglicanas, ponens Vice-comites, aliosque ministros, qui populum regni illius juxta leges Anglicanas judicarent.*” The Tenor of the Record is this: “*Quia pro communi utilitate terræ Hiberniæ, et unitate terrarum de communi concilio provisum est, quod omnes leges et consuetudines, quæ in regno nostro Angliæ tenentur, in Hiberniâ teneantur, et eadem terra iisdem legibus subjaceat, et per easdem regatur; sicut Johannes Rex, cum illic esset, statuit, et firmiter mandavit: Quia Rex Henricus vult, quòd omnia brevia de communi jure, quæ currunt in Angliâ, similiter currant in Hiberniâ; sub novo sigillo Regis mandatum est, Archiepiscopis, &c.*”

In like sort Henry the third (son to King John) in the 12th year of his reign, “*Mandavit Justiciario suo Hiberniæ, et convocatis Archiepiscopis, Episcopis, Comitibus, Baronibus, Militibus ibidem, co-*”  
“ram

“ *ram eis legi faciat chartam Regis Johannis, quam*  
 “ *legi fecit, et jurari a Magnatibus Hiberniæ, de*  
 “ *legibus, et consuetudinibus Angliæ observandis, et*  
 “ *quod leges illas teneant, et observent;*” as is related  
 out of the same Records by that worthy Antiquary  
 Mr. William <sup>a</sup> Camden Clarentius.

Hereupon in doubtful matters of Law recourse  
 was had from thence into England; as in the daies  
 of the said King Henry upon a question of inheri-  
 tance devolved unto sisters, four knights were sent  
 unto the King's Court in England, by Gerald  
 Fitz-Maurice, then Lord Chief Justice of Ireland,  
 to bring a certificate of the custom of England in  
 that case; who brought back the King's rescript,  
 commonly known by the name of “ <sup>b</sup> *Statutum*  
 “ *Hiberniæ de cohæredibus*; which is thus conclud-  
 “ *ed: Ideo vobis mandamus, quod prædictas consuetu-*  
 “ *dines, quas in regno nostro Angliæ habemus, in hoc*  
 “ *casu, ut prædictum est, in terrâ nostrâ Hiberniæ*  
 “ *proclamari, et firmiter teneri facias, et observari.*  
 “ *Teste meipso apud Westmonaster: 9 die Febr. anno*  
 “ *regni 14.*” as it is in the printed Statutes, or  
 (as Matthew Paris setteth it down in his History,  
 anno 1240.) “ *Teste meipso apud Norwicum, 30*  
 “ *die Augusti anno regni 21.*

<sup>c</sup> So upon an erroneous judgement given in Ire-  
 land, matters might be removed by a writ of error  
 to the King's Bench in England; and, upon a  
 debt recovered in the King's Court in England, a  
 writ of a *Fieri facias* hath been directed to the  
 Justice of Ireland for levying the same upon the

<sup>a</sup> Camden Hibern. p. 734.

<sup>b</sup> Edit. cum Magnâ Chartâ.

<sup>c</sup> S. 2. R. 3. fol. 12. Registr. Brev. Original. fol. 13. 2.  
 Fitzherb. Natur. Brev. fol. 24.



lands and goods of the debtor ; a precedent whereof is to be seen in the daies of <sup>a</sup> Richard the second in the case of Robert Wickford, then Archbishop of Dublin ; who being in arrear of a certain annual rent of ten pounds due to one Thomas a Clerk in England ; the Sheriff of Middlesex having returned, that he had no lands, tenements, goods, or chattels in his Baliwick, and *testatum* being made, that he was in Ireland, and there had divers goods, chattels, lands, and tenements, as well of his own purchase, as of his Archbishoprick, whence the said sum of ten pounds might be made ; the King's writ was thereupon directed to the Justice of Ireland in this manner : “ *Ideo vobis*  
“ *mandamus, quod de terris, et catallis ejusdem Ro-*  
“ *berti jam Archiepiscopi in terrâ nostrâ Hiberniæ*  
“ *fieri faciatis prædictas decem libras, et illas habeatis*  
“ *coram, &c. octavis Michaëlis ad reddendum præ-*  
“ *fato Thomæ de arreragiis annui redditûs prædicti ;*  
“ *et habeatis ibi hoc breve.*”

This order being settled, that the King's English subjects in Ireland, and such also of the Irish, as had the benefit of the English laws vouchsafed unto them, (for that all enjoyed not this privilege appeareth plainly by the King's Recorder) should be ruled by the same law, wherewith the state of England was governed ; it came to pass, that such statutes, as were enacted in Parliaments held in England, were intended alwaies to have been made for the government as well of this kingdom, as of the other. And therefore, albeit in the presence of the statute of Glocester, in the - - - - year of Edward the first, the act is said expresely to be made for the behoof of the realm of England ; yet in the preface

<sup>a</sup> Registr. Brev. Judicial. fol. 43. 6.

of the statute of Westmonaster, the second made the 13th year of the same King's reign, we find it thus interpreted: "*Cum nuper Dominus Rex, in quindenâ S. Johannis Baptistæ, anno regni sui 6, convocatis Prælati, Comitibus, Baronibus, et consilio suo apud Glocester, &c. quædam statuta populo suo valde necessaria, et utilia edidit, per quæ populus suus Anglicanus, et Hibernicus sub suo regimine gubernatus celeriore justitiam, quam prius, in suis oppressi- bus consecutus est, &c.*" So in the statute of Merchants made the same year; "The King wills, that this ordinance, and act be observed from henceforth throughout his realm of England, and Ireland." And the statutes of York, in the 12th year of Edward the second, is said to be made upon this consideration; that the people of the realm of England and Ireland have heretofore suffered many times great mischiefs, damage and disherison, by reason that in divers cases, where the law failed, no remedy was provided; for the publication of which statute, together with another formerly enacted at Lincoln in the ninth year of his reign, the King sent this writ to his Chancellor in Ireland:

"*Edwardus Dei gratiâ Rex Angliæ, Dominus Hiberniæ, Dux Aquitanie, Cancellario suo in Hiberniâ salutem: Quædam statuta per nos de assensu Prælatorum, Comitum, Baronum, et Communitatis regni nostri nuper apud Lincoln, et quædam alia statuta post modum apud Eborum facta, quæ in dictâ terrâ nostrâ Hiberniæ ad communem utilitatem populi nostri ejusdem terræ observari volumus; vobis mittimus, sub sigillo nostro mandantes, quòd statuta illa in dictâ Cancellariâ nostrâ custodiri, et in rotulis ejusdem Cancellariæ irrotulari, et ad singulas placeas nostras in*

• Ex libro albo Saccarii Hiberniæ.

D 2

“ regno



“ regno nostro prædicto ad singulos comitatus ejusdem  
 “ terræ mitti facias per breve nostrum sub dicto sigillo  
 “ nostro; ministris nostris placearum illarum, Vice co-  
 “ mitibus dictorum comitatuum mandantes, quòd statuta  
 “ illa coram ipsis publicari, et in omnibus, et singulis  
 “ articulis observari firmiter faciatis. Teste meipso apud  
 “ Nottingham 20 Novembris, anno regni nostri 17.”

About the same time, and in the same place, (at Nottingham 24 Novembr. an. R. Edw. II. 17.) the ordinances for the state of Ireland were made, which are to be seen in French in the second part of the ancient statutes printed at London anno 1532. Add hereunto the statutes made at Westminster in the 11th and 27th years of Edward the third: the former touching Drapery, and wearing of outlandish Cloth and furs, extended as well to Ireland, and Wales, as unto England: the other concerning the erection of staples at Dublin, Waterford, Cork, and Drogheda, and the establishment of the Staple law in this land: But especially the Statute enacted at Westminster in the fourth year of King Henry V. (touching promotion of Clerks of the Irish nation) is to be considered: by which it is evident, that the Kings of England, granting liberty of holding Parliaments in this land, intended nothing less than to abridge their own authority thereby, or to exempt the inhabitants of this Realm from the power of the Laws, which should be made in the Mother-kingdom.

In the second year of Richard the third the matter was first called into question upon this occasion. It was provided by a statute made at Westminster anno 10 Hen. VI. that if any Woolls, Woolfells,

<sup>f</sup> Magna Charta, edit. anno 1532, et 1556.

<sup>z</sup> Westmon. statut. anno 4 Hen. V. cap. 6.

hides,

hides, lead, tin, &c. should be found carried out of the Realm of England, or the lands of Ireland, Wales, and Barwick upon Tweed, to any place beyond the seas, besides Calais; the one half of all such goods should be forfeited to the King; and the person, that espied, and proved the same, should have the other. It fell out afterwards, that certain Merchants of Waterford shipped divers merchandises of the Staple, agreeing by Indenture with the Master of the Ship, that he should transport the said merchandises to Sluce in Flanders; but contrary to their will the ship was driven into Calais; where Sir Thomas Thwayght, Treasurer of Calais, seised the ship, one moiety for the King, the other for himself, as the first finder. The Merchants, by a bill preferred to the King in his Council at <sup>h</sup> Westminster, craved restitution; whereupon this question came to be debated in the Exchequer-chamber; "*Si ville corporatæ in Hiberniâ, et alii habitantes in Hiberniâ, erunt legati per statutum factum in Angliâ:*" Whereupon it was said Ireland had a Parliament in itself, whereby it made laws, and changed laws, and was not bound by a statute made in England, forasmuch as it had not there any Knights of the Parliament. But the question being renewed the next <sup>1</sup> Term (which fell on the beginning of the reign of Hen. VII.) Hussey the Chief Justice resolved, that the statutes made in England do bind those of Ireland; which was in a manner agreed upon by all the other Justices then assembled in the Exchequer chamber, "*Nient-obstant, que ascunde eux fuerunt in*

<sup>h</sup> 2 R. III. fol. 12.

<sup>i</sup> M. 1 H. VH. fol. 3. Fitzherb. tit. Accion sur le statut. 6. Brooke tit. Parliament. et statutes. 90.

" *contrariâ*



*“ contrariâ opinione te darre in terme enson absens,”*  
 (saith the Reporter;) notwithstanding that some of  
 them were of contrary opinion the last term in his  
 absence.

There followed not long after the <sup>k</sup> Parliament  
 held before Sir Edward Poynings at Drogheda,  
 anno 10 Hen. VII. wherein it was ordained, and  
 established, that all statutes late made within the  
 realm of England, concerning or belonging to the  
 common, and publick weal of the same, should  
 thenceforth be deemed good, and effectual in the  
 Law, and be accepted, used, and executed within  
 this land of Ireland in all points, at all times re-  
 quisite, according to the tenor, and effect of the  
 same; whereby many have been induced to believe,  
 that the statutes of England could have no autho-  
 rity in Ireland, without special confirmation of the  
 Parliament in this land: not considering, that in  
 this self-same <sup>l</sup> Parliament it was in like manner  
 ordained, and established, that the statutes of Kil-  
 kenny (which were of full validity before the time  
 of this confirmation) should be authorised, ap-  
 proved, confirmed, and deemed good, and effectual  
 in the law, and be executed according to the tenor,  
 and purport of them, and every of them: Even  
 as before this in a <sup>m</sup> Parliament holden at Dublin  
 in the 18th year of Henry the sixth it was enacted,  
 that all statutes made within this realm, and not  
 repealed, should be holden and kept in all points;  
 and in another Parliament holden in the same place  
 the 11th year of Henry IV. that the great Charter

<sup>k</sup> Stat. Hibern. 10 H. VII. cap. 22.

<sup>l</sup> Ibidem. cap. 8.

<sup>m</sup> Ex Rotul. Parlamentar. Hib. 18 H. VI. cap. 4. et  
 11 Hen. IV. cap. 4.

and

and the statutes made in the time of the Duke of Clarence, and in the time of Thomas of Lancaster Lieutenant of Ireland, and all other good statutes, and reasonable ordinances made in the time of any Justice or Lieutenant of this land should be firmly holden, and kept: whereby it is manifest, that from the reviving, or confirming of any statutes, no sufficient argument can be drawn to disanull the authority of those acts before such confirmation.

Lastly, whereas by authority of a<sup>n</sup> Parliament, begun at London in the 21st year of King Henry VIII. the act of Faculties was ordained not only for the realm of England, but also for all other the King's dominions, with this penalty annexed, that whatsoever person, subject, or resiant within the Realm of England, or within any the King's dominions, did sue to the Court, or See of Rome, or to any claiming authority from thence, for any Licence, or Faculty, or put in execution any Licence so obtained, or maintain, allow, admit, or obey any manner of censures, or other process from Rome, should incurr the punishment comprised in the statute of Præmunire: the states of Ireland, assembled in Parliament anno 28. ejusdem Regis, thought it nothing strange, that the effects of the act, ordained in England, should be thus extended to the King's other Dominions; but freely acknowledged so much in these words: "° Forasmuch as  
" it is mentioned in the said act, that the effects  
" thereof should not only extend into the Realm  
" of England and to the commodity thereof, and  
" to the subjects of the same, but also to all other  
" the King's Dominions, and his subjects; and

<sup>n</sup> Stat. Angl. anno 25 Hen. VIII. cap. 21.

° Stat. Hib. 28 Hen. VIII. cap. 19.

“ that



“ that this the King’s land of Ireland, is his pro-  
 “ per dominion, and a member appending, and  
 “ rightfully belonging to the Imperial crown of  
 “ the said realm of England, and united to the  
 “ same; and also like inconvenience hath ensued  
 “ within this land of Ireland, as hath been within  
 “ the said realm of England by reason of the  
 “ usurpation of the Bishop of Rome, like as is  
 “ mentioned in the said act: Be it therefore enact-  
 “ ed by authority of this present Parliament, that  
 “ the said act, and every thing, and things therein  
 “ contained, shall be established, affirmed, taken,  
 “ obeyed, and accepted within this land of Ireland,  
 “ as a good, and perfect Law.”

Thus we see how the English laws were here  
 established, and how from time to time the King’s  
 subjects of Ireland were ruled, not only by the  
 Common Laws, but also by the statute Laws of  
 England: Notwithstanding, for the ordering of  
 their particular affairs, (wherewith the Nobility  
 and Commons of that other Realm could not be so  
 well acquainted) they have had alwaies, as proper  
 Courts, so likewise proper Parliaments of their  
 own in this land. The first order out of England  
 for this matter, that I meet withall, is a Constitu-  
 tion of King Edward the II. in the 12th year of  
 his Reign, (remaining among the Close<sup>p</sup> Rolls in  
 the Tower of London) that Parliaments should be  
 held every year in the land of Ireland; but that  
 respecteth the detemination of the time, rather  
 than the first institution of Parliaments in this  
 country: For in the Chronicles of Ireland, and  
 especially in the Annals written about the year  
 1370, (which Phillip Flattesbury followed in his

<sup>p</sup> Camden Hibern. p. 733.

collections, and my learned friend Mr. Camden at my entreaty hath lately published out of the Lord William Howard's Library) there is mention made of sundry Parliaments holden here in this same King's reign before this order was taken; as may be seen in the said Annals at the years of our Lord 1309, 1310, 1315, and 1317. So likewise in the daies of Edward I. anno 1294, "*Richardus Comes Ultoniæ* (saith the same author) *citò post festum sancti Nicholai captus est per Dominum Johannem filium Thomæ, et in castro de Legá, id est, Ley, detentus est usque ad festum sancti Gregorii Papæ; cuius liberatio facta fuit tunc per concilium Domini Regis in Parlamento de Kilkenny.*" And (to ascend higher unto the time of Henry the third) in the register of the Archbishop of Dublin there is to be seen; "*Inquisitio facta ad Parlamentum de Tristeldermod die Mercurii proximâ post festum sancti Trinitatis, anno 48. H. III. coram D. Richardo de Rupellâ, capitali Justiciario Hiberniæ, et coram Domino Hugone de Tachmone Episcopo Midenfi, tunc Thesaurario, &c.*"

Yet all Parliaments, that we read of in the Chronicles, are not to be accounted to have been of the same nature; but a distinction may be observed therein of *petite*, and *grande* Parliaments: For the name is sometimes given to such meetings, as were *parlies*, rather than Parliaments; as in the foresaid Annals anno Dom. 1368. R. Edw. III. 42. "*in Carbriá post quoddam Parlamentum finitum inter Hibernicos, et Anglicos capti sunt Frater Thomas Burley, Prior de Killmaynan, Cancellarius Regis in Hiberniâ, Johannes Fitz-Reicher Vicecomes Midiæ, &c.*" Others were *grande* Parliaments, wherein

\* Butler.



the three estates of the land were assembled ; such as in the submission of Mac-Mahowne anno 25 Henrici VI. are to be understood ; where he promiseth in Arch parliaments to carry nothing out of the English Pale contrary to the Statutes ; and these in the Chronicles are sometimes called *Magna Parliamenta*, as in the Annals of Rosse, anno 1333 ;  
*“ Tenetur Parliamentum magnum Dublin, et eundo*  
*“ versus dictum Parliamentum occiditur Dominus Wil-*  
*“ lelmus nobilis juvenis comes Ultoniæ, per suos Angli-*  
*“ cos Ultoniæ proditiose ; et in eodem Parlamento oc-*  
*“ ciditur Mauricius filius Nicholai Otboil Hibernicus,*  
*“ et in armis strenuus :”* But more usually *Communia Parliamenta*, as may be seen in sundry places of the Annals set out by Mr. Camden ; one whereof (because it containeth some other memorable things concerning the matter in hand) I will set down at large.

*“ Anno Domini 1341. Commune Parliamentum*  
*“ Hiberniæ de concilio Regis mense Octobris extitit or-*  
*“ dinatum. Ad idem Parliamentum Mauritius filius*  
*“ Thomæ Comes Desmondæ non pervenit : ante quod*  
*“ tempus nunquam inter Anglicos in Anglia oriundos, et*  
*“ Anglicos in terra Hiberniæ oriundos, ita nobilis et*  
*“ manifesta divisio habebatur. Maiores insuper civita-*  
*“ tum Regalium ejusdem terræ, unâ cum nobilioribus*  
*“ dictæ terræ universis unanimes existentes, habito con-*  
*“ silio deliberato in cæteris conclusionibus decreverunt, et*  
*“ statuerunt Parliamentum commune Kilkenniæ mense*  
*“ Novembri ad utilitatem, et profectum Regis, et præ-*  
*“ fatæ terræ, consilio Justiciarii, et regalium prædic-*  
*“ torum irrequisito penitus in hac parte. Justiciarius*  
*“ autem, et cæteri ministri Regis ad idem Parliamen-*  
*“ tum Kilkenniæ accedere nullatenus præsumpserunt.*  
*“ Maiores igitur terræ prænotati, unâ cum maioribus*  
*“ civitatum ordinaverunt de solemnibus nunciis Regi*  
*“ Angliæ*

“ *Angliæ quantocius destinandis pro statu terræ rele-*  
 “ *vando, et conquerendo de ejus ministris in Hibernia,*  
 “ *de iniquo, et injusto regimine eorundem; et non de*  
 “ *cætero tolerarent, quòd terra Hiberniæ per suos mi-*  
 “ *nistros more solito regeretur, conqueruntur pro parte*  
 “ *de prædictis ministris per questiones. Quomodo terra*  
 “ *plena guerris regi possit ab illo qui bellorum igna-*  
 “ *rus? Quomodo minister Regis brevi tempore ad mag-*  
 “ *nas opes venire posset? Quomodo Rex ex Hibernia*  
 “ *non factus ditior.?*”

A like attempt of assembling a Parliament without the privity of the King's Council was not long after renewed by the Earl of Desmond; who is here noted to have absented himself from the King's Parliament. The matter is thus related by John Clinn a Friar of Kilkenny, who lived at the time anno 1344. “ *In festo cathedræ Petri fuit*  
 “ *Parliamentum factum apud Callan, Rege nescio; ad*  
 “ *quod venit Mauritius filius Thomæ cum multis milli-*  
 “ *bus hominum. ad quod credidit maiores terræ ad*  
 “ *eum venisse: Sed Rex timens talia conventicula sus-*  
 “ *pecta, et potius malum, quam bonum ex hoc evenire;*  
 “ *per breve Regis prohibitum est omnibus, ne veni-*  
 “ *rent: et per hoc Maiores terræ prædicto Mauritio*  
 “ *se excusabant, sed domi manserunt.*”

The next year a Parliament by the King's authority was summoned at Dublin; from whence the said Earl of Desmond again absented himself, and was thereupon prosecuted by the Lord Deputy; for so we read in Mr. Camden's Annals, anno 1345. “ *Septimo die Junii Commune Parliamentum*  
 “ *Dublina; ad quod non venit Dominus Mauricius*  
 “ *filius Thomæ Comes Desmonia. Item Dominus Ra-*  
 “ *dulphus de Ufford Justiciarius Hiberniæ post festum*  
 “ *beati Johannis Baptistæ cum Vexillo Regis, sine ta-*  
 “ *men assensu maiorum terræ levato, contra Dominum*



*“ Manricium filium Thomæ Comitem Desmondie ad Momoniam progreditur, &c.”*

Afterwards upon the beheading of Thomas Earl of Desmond, called unto a Parliament at Dublin by John Tiptoft Earl of Worcester, it is said, that King Edward the fourth, (about the ninth year of his reign) granted, that the Earls of Desmond should never be enforced to come to any Parliaments to Dublin more, nor any where else in Ireland; using themselves dutifully to God, and to their Prince; as in the book of Houthe is recorded. Whereupon in the 32d year of Henry VIII. James Fitz John, then admitted Earl of Desmond, in his submission before Sir Anthony Sentleger (Januar. 16 anno 1540.) disclaimed the privilege challenged by his Ancestors of not coming to Parliament, grand Council, or within any walled Town.

Otherwise, sure it is, that all the Lords of the land as well spiritual, as temporal, were bound to appear at these Parliaments; and for default herein we find, that, in the daies of Edward the second, a fine of 200 Marks upon George Lord Roche; As also in the daies of Henry the sixth the Bishops of Leghlyn, Ossory, Down, and Limrick were amerced for the same cause. And as they were bound to resort to Parliaments, so were they there to take their places according to their estate, and to wear their robes of Parliament after the manner of England. For the former, the order of sitting observed in the Parliament holden at Dublin before Gerald Earl of Kildare, anno 25 H. VIII. is registred by John Allen, Archbishop

\* Camden Hibern. pag. 729. ex Archivis Regis.

\* Rotul. Parliamentar. Hib. an. 27 Hen. VI. cap. 21—24.  
of

of Dublin, then present, the year before he was cruelly murdered by the Lord Thomas Fitz-Gerald, son to the foresaid Earl. And for the latter two special statutes were provided, one in the 16th year of Edw. IV. and another in the 10th year of Hen. VII.

Now by this frequent use of Parliaments, appointed to be holden every year, and oftentimes more than once within the compass of one year, (as appeareth both by the Chronicles, and by a statute in the 34th year of Henry the VI. whereby the summoning of Parliaments, more than once in the year, is for a time restrained) it may easily be collected, that the principal use of Parliaments in former times was not so much to make new laws, as to see the old put in execution, and to advise of other matters, that concerned the state of the Commonwealth. Sometimes they were gathered for the trial, or acquittal of some great personages; as may be seen in the Annals often alledged anno 1310, 1317, et 1327. Sometimes for consultation in times of great danger; as the Parliament holden at Kilkenny in the daies of Edward the second; whereof John Clinne thus writeth; Anno 1315, "*Commune Parliamentum Magnatum Hiberniæ apud Kilkenny pro auxilio, et consilio habendo contra Scotos in principio Mensis Junii.*" Sometime for viewing the state of the King's tenants, as the Parliament holden at Ross, in the time of Hen. IV. of which another author writeth in this manner; anno 1401, "*Thomas Dminus de Lancaster, filius, et Locum tenens Domini Regis, Henrici quarti in Hiberniâ, tenuit Parlia-*

<sup>t</sup> Ex Rotul. Parliamentar. Hibern. 34 Hen. VI. cap. 6.

<sup>u</sup> Ex collectaneis Thadæi Dowling.



*“mentum apud Rosse, in quo habuit visum Chartarum, et patentium horum, qui a Domino Rege tenuerunt in capite.”* Sometime for obtaining a subsidy; as the Parliament holden at Kilkenny anno 44 Edw. III. before Sir William Windfor; wherein 3000 pounds were granted to the King *“pro subsidio ad guerras,”* as we read in the same author: and another held in the same place in the daies of Hen. IV. by Thomas of Lancaster; of whom Henry Marleburgh, Vicar of Balscaddan, in his Chronicles thus writeth; Anno 1408, *“Post festum S. Hilarii tenuit Parliamentum apud Kilkenny, causam tallagii habendi.”* Sometime for hearing, and determining controversies of right between party and party; as the Parliament holden at Dublin anno 5 Hen. VI. before James Butler Earl of Ormond; the whole roll whereof containeth nothing but a process upon a writ of error, in a plea betwixt the Prior of Lanthony in Wales, and the Prior of Molingar in Ireland. Sometime also for enacting, and establishing statutes for the government of the land; of which kind these are the special.

Anno 1309.

In the reign of Edward the second a Parliament holden at Kilkenny, whereof in the Annals set down by Mr. Camden, mention is made in these words: Annn 1309. *“Parliamentum tentum est apud Kilkenny in octavis Purificationis Beate Mariæ per Comitem Ultoniæ, [et Johannem Wogan Justitiarium Hiberniæ] et cæteros Magnates; in quo fuit sedata magna discordia orta inter quosdam Magnates Hiberniæ, et multæ provisiones tanquam statuta providebantur: utiles terræ Hiberniæ, si fuissent observatæ.”*

Anno 1366.

In the 40th year of Edw. III. another Parliament

ment holden at Kilkenny the first thursday in Lent, by Lionell Duke of Clarence, the King's son, and Lieutenant of Ireland: the acts whereof are to be seen among the rolls of the Chancery, and are commonly known by the name of the "statutes of Kilkenny; of which in the act of confirmation, an. 10 Hen. VII. it is thus recorded: "All the season, that the said statutes were set in use, and duly executed, the land continued in prosperity, and honour; and since the time, that they were not executed, the subjects rebelled, and digressed from their allegiance, and the land did fall to ruin and desolation."

Anno 1402.

In the third year of Henry the fourth a Parliament holden at Dublin in the month of September by Thomas Lancaster the King's son, and Lieutenant of Ireland; wherein divers statutes were enacted touching herbinage, and Livere, the office of Clerk of the Market, and Escheator, &c.

Anno 1404.

In the fifth year of the same King another Parliament holden at Dublin before the Earl of Ormond; wherein the acts of the two precedent Parliaments were confirmed: as appeareth by Henry Marleburgh, whose words are these: Anno 1404.

"*In die S. Vitalis incipit Parliamentum Dublinie coram comite Ormondie, tunc Justiciario Hibernie; ubi confirmata fuerunt statuta de Kilkenny Dublinie, et charta pro Hibernia:*" or as \* another author setteth it down; "*Charta Libertatis Hibernie, et statuta Kilkennie fuerunt confirmata auctoritate*

<sup>w</sup> Stat. Hib. an. 10 Hen. VII. cap. 8.

<sup>x</sup> Collectan. Thadæi Dowling.



*“Parliamenti, coram comite Ormoniae, Justiciario  
“Hiberniae die Vitalis Martyris.*

Anno 1408.

About the 8th year of the same King's reign a third Parliament holden at Dublin before James Butler Earl of Ormond, then Lord Justice of Ireland; wherein the same Acts were again confirmed, as witnesseth the foresaid Henry Marleburgh, in these words: Anno 1408. *“Dictus Justiciarius tenuit Parliamentum Dubliniae; in quo Parlamento confirmata fuerunt statuta Kilkenny, et Dubliniae, et charta concessa sub magno sigillo Angliae, contra Purveyours.”*

In the 11th year of the same King's reign a fourth Parliament holden at Dublin before Sir Thomas Butler Prior of Kilmaynan, Deputy to Thomas of Lancaster, the King's son; wherein both the foresaid acts, and all other good statutes, and reasonable ordinances made in the time of any Justice, or Lieutenant of this land, were confirmed, and order taken, that if any statutes, or ordinances were made, which formerly were not put in execution, or proclaimed, the same should then be proclaimed, and put in execution. Here also it was concluded, that the form of adjournments of Parliaments should be kept after the manner of England; and fundry other statutes established, which are extant in the Parliament rolls containing 24 chapters.

Anno 1428.

In the seventh year of Henry the VI. the Parliament holden at Dublin, the fryday next after the feast of All Saints, before Sir John Sutton, Knight, Lieutenant of Ireland. It remaineth among the Parliament rolls, and containeth 14 chapters.

Anno

Anno 1431.

In the tenth year of the same King's reign another Parliament holden at Dublin, the friday next before the feast of St. Catherine, before Sir Thomas Stanley, Knight, Lieutenant of Ireland: The roll containeth eight chapters; the fifth and seventh whereof are to be seen in the printed book of the statutes of Ireland; with the beginning whereof I will make an end of this narration, and surcease from farther discourse of the Parliaments of this country.

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N<sup>o</sup>. VI.

*A Discourse, shewing when, and how far, the Imperial Laws were received by the old IRISH, and the several Inhabitants of GREAT BRITTAİN. By the same.*

I. **T**HE Irish never received the Imperial Law, but used still their own Brehon-Law: which consisted partly of the customs of the land, partly of the Ordinances enacted by their Kings, and chief Governors: whereof there are large Volumes yet extant in their own Language. Yet the Brehons, in giving of Judgement, were assisted by certain Scholars, who had learned many rules of the Civil and Canon Law, rather by tradition than by reading: as by <sup>a</sup> Sir John Davies is

<sup>a</sup> In Cambden's Hibern, pag. 152. of the English Edition.



reported: Although for their skill in the Canon Law Hannibal Roffelli, the Calabrian, giveth unto them this testimony; "<sup>b</sup> *Olim homines illius regionis plurimum intendebant Juri Pontificio, erant-que optimi Canonistæ*"

II. The Natives of Scotland, in the North part of Great Britain, being a Colony of the Irish, used the like customary Laws: which were augmented by Kenneth the second, the son of Alpin; of whom these verses run;

"*Primus in Albaniâ fertur regnasse Kinedbus,*  
"*Filius Alpini, prælia multa gerens:*"

being called the first; either because he was the first, that reigned over whole Albania, having overthrown the Picts, and adjoined their kingdom to his own; or (as I read in the book of Meilrofs) "*Quia primus Leges Scoticanas instituit, quas vocant Leges Mac-Alpin.*"

III. While Britain was a Roman Pvince, it was subject to the 'Roman Laws: for the learning whereof the neighbouring Nation served as a School; according to that of Juvenal, in Satyr. 15:

"*Gallia Causidicos docuit facunda Britannos.*"

We find a <sup>d</sup> Rescript of the Emperor Severus, proposed at York, the Year before he ended his life there: But that Papinian executed judicature there, I could wish might be proved by some witness of more antiquity than Stephanus <sup>e</sup> Torcarulus was of: for it would redound unto some honour unto

<sup>b</sup> Roffel. Comm. in Mercur. Herm. Trismegist. Pæmandr. et Asclep. tom. 5. pag. 125. edit. Colon.

<sup>c</sup> "*Cernitis ignotos Latîâ sub Lege Britannos.*" Catalect.

<sup>d</sup> L. 1. C. de rei vendic.

<sup>e</sup> V. Dion Cass. lib. 76. [in excerpt. Xiphilin.]

the Nation, that the most skillful man in the Civil Law, that ever lived, should be appointed a Minister of Justice there.

IV. After the departure of the Romans from hence, the Britains being driven by the Saxons into Cornwall, and Wales, returned again to the customary Laws of their own Country; having no written Law (for ought I can find) before the daies of Howel-Dha, or Howel the Good; who succeeded his father Cadhel in the kingdom of South Wales, and Powis in the year 907. and his Cousin Edwal Voël in the kingdom of North Wales anno 940. He, (having thus obtained the Sovereignty of all Wales) in an Assembly at Twy-Gwin upon the River Taff, at which were present 140 of the Clergy, reformed the old Laws, and established new: the book whereof is still extant both in the Welsh, and in the Latin tongues. The Latin Translator (who was then also present) is in the 'Welsh Chronicle named Blegored, by \* Bale Blegabridus Languaridus: of whom I find this mention in those barbarous verses, which are at the end of the Latin copy in the Library of Corpus-Christi, or Bennet-College in Cambridge:

*"Explicit editus Liber bene finitus:*

*"Quem Regi scripsit Languoridus, et quoque fuit*

*"Howeli turbæ Doctor tunc Legis in urbe,*

*"Gornando cano tunc Judice cotidiano*

*"Rex dabat ad partem dextram, non sumpserat  
"artem."*

See Sir Henry Spelman's British Councils, pag. 408. where he is called Blangoridus, and stiled "Clericus doctissimus."

<sup>f</sup> Pag. 127.

<sup>\*</sup> Bal. Centur. 2. p. 127. [v. Blegabridus.]



V. At what time Justinian published the body of the Civil Law, not only Britain, but all the rest of the Western part of Europe also were disjoined from the Roman Empire; Italy and Sicily only excepted: And in Italy itself the use thereof continued but a short time: Until at length in the year 1102, "*Irnerius, philosophiam Bononiæ docens, Matbildis rogatu, Pandectas interpretari cepit, et primus glossas in eas scripsit:*" as Sigonius hath it in the Argument of his Bononian History; and Abbas Uripergensis in his Chronicle more fully: "*Eisdem temporibus Dominus Warnerius libros Legum, (qui dudum neglecti fuerant, nec quisquam in eis studuerat) ad petitionem Matildæ Comitissæ renovavit; et secundum quod olim à divæ recordationis Imperatore Justiniano compilati fuerant, paucis forte alicubi<sup>b</sup> interpositis, eos distinxit, &c.*"

VI. The Laws, and customs of the English Scots, <sup>i</sup> King David the first, with the advice of the people, and Clergy of his whole kingdom, caused, to be reduced into four books, according to the number of Justinian's Institutes: and in imitation thereof caused the like Proëm to be prefixed thereunto: "*Regiam Majestatem non solum armis contra rebelles, sibi, regnoque insurgentes, oportet esse decoratam; sed etiam legibus, ad subditos, et populos pacifice regendos, oportet esse armatam; ut utraque tempora, scilicet pacis, et belli, &c.*" Whereby I gather, that in his time (betwixt the year 1124, and 1153,) the notice of Justinian was brought into that kingdom. Although (if I may here freely deliver my mind) I am much rather induced to think, this *Regiam Majestatem* to have

<sup>b</sup> In his interlineary Gloss.

<sup>i</sup> Vid. *Regiam Majestatem* in fine Præfationis.

been written after the year 1330, in the daies of David the second, than (as Skene would have us believe) in the reign of David the first; as for other important reasons, so because in other copies of that book, - Glanvil's *Traſtatus de Legibus, et Conſuetudinibus* [Regni] *Angliæ* (written in or after the 33d year of Henry the second) is vouched, and mentioned often therein: as in the English Preface, printed before Glanvil anno 1604, may be ſeen<sup>k</sup>.

<sup>k</sup> ["Whether Glanville's Tract was compiled from the *Regiam Majestatem* of Scotland, or the *Regiam Majestatem* from Glanville was for ſome time doubted; but is now cleared up, in the moſt ſatisfactory manner, by Mr. Davidson, of Edinburgh, who has published a ſmall pamphlet expreſsly on the ſubject, wherein he has proved, by the internal evidence of the two books, that Glanville's treatiſe is the original; obſerving, at the ſame time, that Glanville is regular, methodical, and conſiſtent throughout; whereas the *Regiam Majestatem* goes out of Glanville's method for no other aſſignable reaſon than to diſguiſe the matter, and thereby is rendered conſuſed, unſyſtematical, and in many places contradictory."

"That this treatiſe was compoſed in the time of Henry the Second was never yet diſputed, and conſequently that it is the moſt ancient book extant upon the laws and cuſtoms of England; containing not only the maxims and rules upon the various ſubjects of which it treats; but alſo the modes of practice, and forms of writs uſed in every caſe."

"Whether Glanville, at that time Chief Juſticiary of England, was the author of this treatiſe in the ſtrict ſenſe of the word, or whether it was written by another perſon under his inſpection, does not ſeem to be of any great importance, as it is allowed on all hands, that if the following tract was not written by that great lawyer and ſtateſman, it was at leaſt compoſed under his immediate directions §."

"To ſay any thing concerning the excellence and utility of this treatiſe would be ſuperfluous, ſince it has been cited and commented upon by Lord Coke, Sir Matthew Hale, Sir Henry Spelman, Selden, and by moſt of the eminent lawyers and antiquaries of the laſt century; and has been likewise

§ Vide Lord Lyttelton's Hiſt. of Hen. II. vol. 2d. 4to. p. 267,

But



But as for the use of the Civil Law in Scotland, although the subjection thereto be disclaimed by two several acts of Parliament, (quoted by Mr. <sup>1</sup>Selden) yet the practice thereof is much the same in that kingdom, as in France.

VII. In the <sup>m</sup> Norman Chronicles I meet with the precise time of the first profession of the Civil Law in England; recorded in this wise: "*Magister Vacarius, gente Longobardus, vir honestus et juris peritus, cum Leges Romanas anno ab Incarnatione Domini 1149, in Angliâ discipulos doceret; et multi, tam divites, quam pauperes, ad eum causâ discendi confluerent; suggestione pauperum de Codice, et Digestis excerptos novem libros composuit, qui sufficiunt ad omnes Legum lites, quæ in Scholis frequentari solent decidendas, si quis eos perfectè noverit.*" Whereby we may understand, what that Vacarius was, and what those *Leges Romanæ* were; whereof Johannes Sarisburiensis thus writeth in the 8th book, and 22d chapter of his Polycraticus: "*Tempore Regis Stephani à regno jussæ sunt Leges Romanæ, quas in Britanniam domus venerabilis patris Theobaldi Britanniarum primatis asceverat. Ne*

honoured with the peculiar notice of one of the first Historians, and of one of the first Lawyers of the present age."

See Preface to a new and elegant edition of Glanville's Treatise, "collated with two manuscripts in the British Museum, with one in the Bodleian Library at Oxford, and with one in the possession of the learned Dr. Milles, Dean of Exeter, F. R. S. and President of the Antiquary Society." Lond. 1780.]

<sup>1</sup> Review. pag. 479.

<sup>m</sup> Chronic. Norman. ab Andr. Duchesno. edit. [ex biblioth. S. Victor. Paris. anno 1619.] p. 983.

<sup>n</sup> Anno 1138, as it seems; when Theobald went to Rome, to get his Pall. Whence Thomas Becket, (as we read in the Quadrilogue, or Quadripartite History of his Life, lib. I. cap. 5.) [Edit. Par. 1495.] being bred in his family, "*Juri Civili operam dedit. Impetratâ vero posseâ à Domino suo Archiepiscopo*

“ *quis etiam libros retineret, edito Regio prohibitum est, et Vacario nostro indictum silentium. Sed, Deo faciente, eo magis virtus Legis invaluit, quo eam amplius nitebatur impietas infirmare.*” By which we see, that the Civil Law, (not the Ecclesiastical, as ° some have imagined) was not with greater indiscretion rejected in the daies of King Stephen, than it was with great fervor restored again in the daies of his successor King Henry the second. For in his daies was the *Polycraticus* written: At the same time also flourished ° Willelmus de Glavile

“ *Archiepiscopo transfretandi licentiâ, per annum in Legibus studuit Bononiæ; postea Antistodoro.*”

[Among the epistles of Peter of Blois, Archdeacon of Bath, is a very curious one relating to the study of the Civil and Canon law in the family of Archbishop Theobald, or archiepiscopal school of Canterbury. And by the following extract we find that the most intricate and knotty questions in law and politics were referred to the teachers and students in this school: “In domo domini mei Cantuariensis Archiepiscopi viri literatissimi sunt, apud quos invenitur omnis rectitudo justitiæ, omnis cautela providentiæ, omnis forma doctrinæ. Ibi post orationem, et ante comestionem, in lectione, in disputatione, in causarum decisione jugiter se exercent. Omnes questiones regni difficiles et nodosæ referuntur ad nos: quæ cum inter socios nostros in commune auditorium deducuntur: unusquisque secundum ordinem suum sine lite et detractatione ad bene dicendum mentem suam acuit: et quod ei consiliosius videtur et sanius de vena subtiliore producit. Quod si Deus minori quæ potiora sunt revelaverit, ejus sententiæ sine omni invidia et depravatione universitas acquiescit.” Epist. 6.--taken from an old edition in Black Letter, without date, in All Souls Library, Oxford, and which appears to have been the gift of William Warham, who was made Archbishop of Canterbury an. 1503. Hen. VII. 20. and died an. 1532. Hen. VIII. 23.

° Selden in *Jano Anglor.* pag. 89. [Lib. II. §. 43.] Notes upon Fortescue, pag. 45. [21 Not.] and Review of Hist. of Tithes. pag. 490, 491. [ad fin.]

° [In the *Quadrilogue* (Par. Edit. 1495. Lib. IV. Catalog. erudit.)



(or Glanvil) one of the followers of Thomas Becket, and afterwards Bishop of Rochester; "*In utroque jure scientiam commendabilem affecutus*," (as it is in the fourth book of the forecited Quadriologue :) as Leland also in his book *De Scriptorib. Britann.* noteth of Roger Hoveden the Historian; not long after that, "*Mediis studiorum suorum annis Legibus Cæsariæ operam dedit; à quibus rectà se contulit ad Pontificias.*"<sup>1</sup> His book *De Legibus, et consuetudinibus regni Angliæ*, written much after the same manner, and in the same words commonly, that the *Regiam Majestatem* of Scotland is; with the like Proëm out of Justinian's Institutes placed in the beginning of it. But Bracton who after him drew a more full body of the Common Law toward the end of Henry the third, stuffeth his book every where with quotations of the Civil Law, which to have been done also in the pleadings at the Bar, the Reports in the Year books of Edward the second (vouched by Mr. Selden) do sufficiently testify.

erudit.) it is "*Guill's cognomento de Glavile*," and in Godwin's *De Præful: Angliæ Comment.* "*Gilbertus Glanvill Archidiaconus Lexoviensis electus est (Episcop. Roffens.) apud Ottesford 16 Julii 1185. Presbiter ordinatus Lamethæ 22 Sept. et Cantuariæ consecratus 29 ejusdem mensis. (Dicetensis Gerv. et Hoved. f. 359.) Decessit 24 Junii 1214. (Ita Parisien. et Westmon.)—Rex custodibus episcopatus Roffensis Nov. 20. (Claus. 16 Joan.)*" ]

<sup>1</sup> [This Bishop Glanvill seems here to be confounded with Ranulph Glanvill Chief Justiciary about the same time.

And Lord Lyttelton, from some words in the title prefixed to the Harleian MS. "infers, that this Treatise of the Laws and Customs of England was not written by Ranulph de Glanville himself, but by some Clergyman under his direction and care;" he says "by some Clergyman, because it is written in Latin, which could hardly be done by a layman in that age." ]

<sup>2</sup> Review of the History of Tithes. cap. 7. fin.

VIII. After

VIII. After the restitution of the Imperial Laws here, in the time of Henry the second, publique Schools were erected for the profession thereof in the City of London: for the suppressing whereof, in the year 1235, the King's writ was directed to the Maior, and Sherifs: "*Quod per totam civitatem London clamari faciant, et firmiter prohiberi, ne aliquis Scholas regens de Legibus in eadem Civitate de cætero ibidem Leges doceat. Et si aliquis ibidem fuerit hujusmodi Scholas regens, ipsum sine dilatione cessare faciant. Teste Rege apud Bassing 11 die Decembris.*" (Claus. 19 Hen. III. Membran. 22.) And yet all this notwithstanding, the English Clergy remitted nothing of their diligence in the study of the Civil Law; as appeareth both by the relation of Matthew Paris, at the year 1255, (which was the 39th of Henry the third,) and by the reproof given unto them for it by Roger Bacon (who deceased anno Domini [1292] under Edward the first,) in his *Compendium Theologiæ*; cited at large by Mr. Selden in his Notes upon Fortescue, p. 43, 44. [21 Not.]

IX. At length the profession of the Civil Law was established in both the Universities; and recourse had to the Sages thereof in weighty consultations; though with protestation, that the kingdom was not subject to the rule of that Law: as appeareth by the proceedings in the Parliament, anno 11. Richardi secundi, related by the same Mr. Selden, both in the said Notes, pag. 41, 42. [21 Not.] and in *Jano Anglor.* pag. 90. [Lib. II. §. 42.]

X. In Wales I met with the Writings of Thomas Saincte, Archdeacon of Saint David's, who

\* Ibid. pag. 491. [ad fin.]



lived in the latter daies of Henry VII. and the beginning of Henry VIII, and was a Reader of the Canon Law in *Aulâ profundâ* Oxoniæ: where he made an exhortation to his Scholars, to follow their studies; beginning thus:

“ *Multum præclari sacrati juris alumni,*

“ *Salvete, insignes laudibus usque viri, &c.*”

This *Aula profunda* (if I be not deceived) belonged to *All Souls College*: where you may inquire farther hereof; as also of Dr. Zouch, touching the foundation of the Civil Law Lecture in Oxford; for which also you may look into the memorials out of the Records bestowed by Mr. Hare upon the University.

\* See the Supplement.

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## Nº VII.

*A Discourse of TENURES, which were before the Conquest, namely, Knight-Service, Soccage, and Frankalmoign; and the effect of those Tenures, Wards, Reliefs, Heriots, Escuage, or Warfaring by Tenure, Reservations of Rent, or Victuals, and Provisions or Purveyors in the Saxon times; that the same estates in the soil of this Land were due unto the Subjects, by birth-right of their Ancestors, the inhabitants of the land, before*  
Duke

Duke WILLIAM'S time; namely, to have land in Fee-simple, Free-holders, Copie-holders, Customary tenants, and Villeins, before the year 1066; together with the resemblances or disresemblances of those, in outlandish, ancient, or modern estates.

Written by Sir WALTER RALEGH.

THE book of *Doomsday*, which is *Militia Anglicani imperii*, as it was in the Conqueror's time, speaks often of land, that in Edward the Confessor's time, *gildabat*, and of other land which did not *gildare*; that which did *gildare* was land held by *Knight's service*, which paid taxes or *Escuage*; the other is *Soccage-land*. That there was *Soccage* tenure in the Saxons time is evident by the book of *Doomsday*, which almost in every leaf makes mention of *sokemanni*, in Edward the Confessor's time, which is *soccage-tenure*; and in the written *Ingulphus*, which speaks of the laws in Edward the Confessor's time, there is mention of tenure in *soccage*, in express terms.

That there were tenures by *Knight's service* is cleared by patents of king Ethelred to the abby of *Abington*, freeing the land *a regali servitio*, and by a patent which William the Conqueror made to Allan the earl of Britain, giving him "*omnes terras et villas quæ nuper fuerunt comitis Edwini in Eboracshire cum feodis militum et aliis libertatibus, ita libere et honorifice, sicut idem Edwinus eadem tenuit ante obsessionem Ebor.*"

In *Doomsday* book, in the description of *Surrey*, mention is made of one *Cactio*, who in the Con-



queror's time held *de Wardaro, et reddit 50s. et servitium unius militis.*

The Leiger books of St. *Alban's*, containing the acts of King *Offa* over-running the Kentish men, "*convocatis omnibus sibi officium militare debentibus.*"

King *Edgar* gave the hundred of *Oswald*, to *Oswald* Bishop of *Worcester*, "*et redditiones socharium et regis servientium:*" This hundred at this day is called the hundred of *Oswald*, and notice of his grant is taken in *Doomsday* book, where it is called *Wircester*.

*Bracton* sheweth that *forinsecum servitium, regale servitium, and militare servitium*, are all one.

It will likewise be proved, that *Homage and Fealty* these tenures were of the same nature, and had likewise fruits, as now they have; for these Tenures had *homage* due unto them, as now they have; as is proved by *Malm'sbury*; who, speaking of the controversy between *Hen. I.* and *Anselm*, saith, the King would have him do *homage, more antecessorum*, which sheweth it had been a custom long before.

The Leiger book of *Abington*, says *Turkillus*, did *homage* to the abbot of *Abington* for his lands in *Kingstone*; but being slain in the battle with *Harold*, *Henricus de Ferrariis* seized upon his land; with whom the abbot had much contention.

By the Leiger book of *Ely*, *Ethelstan* went to *Whitton*, and did him homage for land in *Ely*, in King *Edgar's* time. That there was *fealty*, *Ingulphus* proves, who says, that *Edward the Confessor* gave unto *Griffin* and his heirs the principality of *Wales*, reserving *fealty*. For both *homage* and *fealty*; *Doomsday* in describing the manor of *Northwood* in *Kent*, in the Confessor's time, saith, that

that in his time an hundred burgesſes of *Canterbury* did ſuit and ſervice, to that mannor. A Manuſcript of *Abington* ſhews how Waſthelinus, whoſe ſurname was Viſus Lapis, did homage and fealty. After William the conqueror's time, Abbots and Prioreſſes did homage, and in one of the manuſcripts of *Peterborow*, is the form of the homage of the Abbot of *Crowland*, 34 Edw. I. which he did for the land in *Veikerk*, which he held of the Abbot of *Peterborow*, and another of the Prioereſs of *St. Michael*, for land in *Stanford*. And by the deeds of *Abington* it appears, that when the Abbot and Convent received homage, that the Abbot and Convent ſat joyntly together. Radulphus de Diceto, the Dean of Paul's writes, that anno 1163 Thomas Becket, Archbiſhop of Canterbury, excommunicated William, the patron of an advowſon, becauſe he expelled one that the archbiſhop put into the living: but William the patron being tenant *in capite* to Hen. II, the King was very angry with the biſhop for excommunicating his tenant, which was contrary to the law, unleſs it be by the conſent of the King; becauſe the tenant cannot now do homage to the King, being excommunicated; for the King cannot kiſs him without ſin, the rule of law being "*non eſt communicandum in osculo cum excommunicato*;" and a Lord is not to receive homage of his tenant during the time of excommunication.

And as *Homage* and *Fealty* were due *Wardſhip*. by reaſon of *Knights ſervice* ſo likewise *Wardſhip* was an effect before the Conqueſt.

When William the Conqueror was at Rome, Rainaldus, upon the death of Adelinus, was choſen Abbot of *Abington*, being a monk *Gemetecensis Cænobii*,



*Cænobii*, in the year 1084. Indictione 7. Epact. 2 : at this time by custom the Abbot of *Abington* had *Wardship* of body and land by the manuscript of that Abby : and in the said Abbot's time it appears, that *miles quidam Walterus de Ripario*, i. e. Walter Rivers, who held land called *Bedrum* of the Abbot, died, leaving his son of his own name within age : and Godfoline, the uncle of the infant by his fathers side, would have had the custody of the land and body of his nephew ; and impleaded the Abbot in the King's court ; but the Abbot defended the suit, and kept the possession of both body and land. In the letters patent of Edw. I. which are recited by Hackluit in his voiajes, there, the King receiving the privileges given to the five ports by Edward the Confessor, one is, that for land within the Cinque port by Edward Geye, heirs should not be by *Ward*.

In Ina's laws, cap. 38. the mother was to be guardian in *soccage* to her children, and for their bringing up was allowed vis. per annum in money, and a cow in summer, and an ox in winter.

So likewise was *Escuage* incident to *Escuage*. *Knight's service*, before the Conquest : *Doomsday* in the description of *Shropshire*, both in case of the mannor of *Cheny*, and in Robert Bellerock's case, makes mention *de scutagio*, and of the money due for it.

And that, by reason of a tenure by *Knights service*, the tenant was to serve in the war ; appears by a case recorded in the Book of *Wor-Service in* cester, between William Bishop of *Wor-Service in* cester and Walter Abbot of *Evesham*.

The Bishop claimed *fac, soc, sepulturam, et gildam regis, et expeditiones in terrâ, et in mare*, and that by the tenure of 15 hides in *Hamptonia*, and

and 4 hides elsewhere; and the cause was discussed *per justitiam et breve et præceptum regis Wilhelmi primi*, and the King (out of Normandy) sent a precept to Godfrey Constanc. episcopo, that he and divers Barons should be present; by whom day was given for witnesses of both sides; and the Bishop brought divers who lived in the Confessor's time, and knew that the abbot for those lands had sent soldiers in the Confessor's time divers times, and that one was steerman to the Bishop to carry him beyond the seas: and therefore the Abbot, seeing the witnesses so clear against him, yielded *ad omnem rem sicut Episcopus clamuerat*.

By the Book of *Abington* it appears, that if the tenant, that held of the King by Knight's service, went not in person, or found not a man to go with the King to war, it was a forfeiture of the land held; and if the King's tenant had an undertenant, that held of him by knights service, and he went not to discharge his Lord, the land was forfeited to the Lord: for in that book it is discoursed of largely, how Hen. I. having war with his brother Robert Duke of Normandy, he sent over his writs, commanding his tenants, that held in *Chivalry* of him, to send him over the *milites* or soldiers, which by their tenures they were bound to send: Taritius, the Abbot of *Abington* sent to William, the King's Chamberlain, to furnish the Abbot with a soldier, and to discharge him of one soldier for his house of Lea, hard by the Monastery, held of the Abbot by knights service; the Chamberlain pretended, that he held not of the Abbot by *Chivalry*, and therefore that he would send none; but the Abbot, to save himself, sent one, and after the wars ended, he sued William the chamberlain, for the forfeiture of his land, and proved the tenure, and recovered  
by



by the custom of England: And by *Doomsday* in the description of *Barrockshire*, which is *Barkshire*, it is likewise remembered, that in the Confessor's daies, if any according to their tenures, upon summons, went not, nor found another, they forfeited all their land to the King. By the Manuscript of *Abington* it appears, that if any soldier were maimed in the wars, at his return he was to be kept at the charge of the Lord who sent him.

It appears by Bartholomew, the Monk of *Norwich*, that in King Edw. I. time, the mustering of soldiers generally being by the tenure, general summons with proclamation was made, that according to the time, and place appointed, as they were bound in their tenures, every one should send his soldier; at which time, the Constable of England used to send a bill or clerk-roll unto the Marshal, who by his office was to peruse, and try, who came, or who made default; whereby the *Escuage*, or sum of money due to the King, was apparent; and these officers were the ordinary conductors of the army of the King in the field.

About this King Edw. I. time, the King *Nota.* began to bring in the present manner of mustering, first termed, appearing by prayer, now pressing: for by this writer, who then lived in the year 1297, and the 25th year of Edw. I. Bigot Earl of Norfolk, Marshal of England, Humfrey Bohun, Earl of Hereford, Constable of England, refusing to try or billet the names of soldiers, as appeareth by the King's letters, desiring him to appoint others to muster them, because they came not by the ordinary summons; they alledged, by their office, they were not bound to do it: the King made other commissioners in their places, and the Earls went away from

from the King in displeasure: after, the King, under the great seal, released *omnem rancorem*, which he had against the Earls; for which, saith the writer, *Benedictus Deus, Amen.*

It is evident by this, Bartholomew Cotton, that about this time King Edw. I. begun your commissioners for musters; and therefore he noteth it as a wonder, that in the 23d year of Edw. I, Hugo de Cressingham, and William Mortimer, came into *Norfolk*, and by virtue of the King's letters, *numere rare fecerunt*, pressed soldiers out of the county of *Norfolk*, and city of *Norwich*, and made them appear at *Newmarket*; where they took some, and refused others; and that the county, at the publick charge, found *white coates, et cultellos, et gladios.* After warfaring by tenure began to be discontinued, and commissioners came down to muster men, it should seem it took no great effect, for generally the custom of warfaring in Edw. III time, and downward until Hen. VIII time was, a Captain or a Noble-man would indent with the King to serve him with so many men, and the King covenanted (or the Lord with the Captain) to pay the Captain for himself so much money a day; and if the soldiers departed from their captain, whom they covenanted to go with, the penalty was not much, until the statute of 18 Hen. VI, 7 Hen. VII, 3 Hen. VIII, provided remedy for the same.

The mustering by commission in Edw. II time, being but new, and levying of men by tenure discontinued, king Edw. II took bonds of men to be before the King with force and arms, wherever he should be, upon pain to forfeit all they might forfeit; the stat. 1 Edw. III sheweth this was to the King's dishonour; and therefore maketh void those bonds, saying, every man is bound to do unto the



King, as his liege Lord, all that appertaineth unto him, without any manner of writing. In Edw. III time, the people began to dislike the mustering by tenure, as according to the value of their lands, in that (as the Parliament roll of the 21 Edw. III notes) when men were valued at 10 l; 20 l, 100 l, and so to a 1000 l. land, by good inquest returned in the Chancery, yet writs came out of the Exchequer to some towns, or men, to find halberts, archers and men at arms to the value of 20 l, or 40 l, when they were not by the inquisition so highly rated.

That *Relief* was due before the Conquest appears by an ancient will made in the Saxons time, cited by Lambard in his *Peregrination*; it was by the will of one Ebifa an earl: and in the Confessor's laws, (written by Ingulphus) there is mention often made of *Reliefs*, which the Lord is to have of his tenant: And in one place the sum is set in certain for *Soccage* in hæc verba; *He that holds in Socage, let his right relief be the rent of his land by one year*: And in the Red book in the Checquer a charter of Hen. I to bishop Sampson is cited, where a certain, and not an arbitrable relief is mentioned: But the relief of Earls, Barons, and others, that held by Knights service of the King, though a relief was due, yet it was not put into certainty, nor was certain in Hen. II time.

*Ayde pur fille marier* is due by those that hold in *Knights service*, according to 20 s. a knights fee: And for those that hold *Soccage* 20 s. for 20 l. land: But those that hold in *Frank almoign* were not chargeable *pur fille marier*, which is proved by the plea roll, 30 Ed. III, in the Exchequer. The Abby

Abbot of St. *Albans* being sued for aid, to make the Black Prince Knight, out of the mannor of *Winslo* and *Gresburgh*, he pleaded, those lands were held in *Frank almoign*, and not in *Socage*, or *Knights service*; whereupon the Barons discharged him; and so in tempore *Edw. I.* a writ of discharge was sent for the Abbot of *Peterborow*, who held in *Frank almoign*, when *Elianor* the daughter of *Edw. I.* was married to *Henry Earl of Bar.*

“*Nota tent per le verge ad le free-Tenant by the Verge. bold in lay comt il nad evidence per son terr nisi le delivery del rod in cort, le Cur, 21 Ed. IV. per dire q et seis in fee accordant al custem del mannor, 3 Ed. V. Coron. si soit attainct de felonie roy avera annum diem et vastum; et 33 Hen. VI. dit q tiel tent ad le franktenement in lui.*”

There were *Copy-holders* in the Saxons *Copyhold.* time, as appeareth by many places in *Doomsday* book. Speaking of *Rodmen* in the *Confessor's* time, *Lambert* saith, he who held by base tenure and not in villenage among the Saxons was called a *Churle*: I find not any warrant for it, though I assure myself he did: and that these copy-holders are of meaner respect in those days is to be collected out of many places of *Doomsday*, shewing, that some kind of *Soe-men* might not only sell their land, without licence of the Lord, but they could not withdraw their persons from the soyl they undertook to manure for customary land; which is the reason of the restitution of *Faire free*. And in those days, it was a base, if not a tenure in villenage. To give an instance; In *Flamdit* hundred two sockmen, the tenants of *Godwin*; *unus inveniebat aurum et alter guerdam*, and they could not depart without license. Again in *Tripple-*



day hundred; this land held Olgarus, the man of Harold the Earl, and in the time of King - - - he could not depart from his own Lord to go to another Lord.

In the same hundred, the socmen of the Earl Gurdus could not depart and dwell elsewhere without the Earl Gurdus his license.

In the description of *Hampshire*; this land in the time of King Edw. Wenseil held, as his ancestor did, who was *mediator caprarum et non potuit se neſtere ad alienum dominum*. When a base tenant is adjudged to do villein service, as appears by a plea roll, 7, 8 Edw. I, these words in judgment are, *secundum statum corporum suorum*.

It followeth to be proved, that there *Villein*. were *Villeins* before the Conquest: I remember not in Beda the word written, his latin being purer; he called them *servi*; but that they were full *villeins* is evident; in that he writes, King Edelwach, in the West Saxons, chose Wilfride a bishop, and gave him 47 families, among which there were *servi et ancillæ* 250, whom bishop Wilfride christned and manumitted.

In another place Beda sheweth, Oswald king of the Northumbers got out of Scotland Aidan for his bishop, who all the money he could get he would give to the poor, or for the redemption of them that were unjustly sold; and these sometime he would make priests; these so sold were his *Villeins*: and during the Heptarchy, by reason of their wars, there were *Villeins*. But for the word *Villein*; in the book of *Doomsday*, in every leaf thereof, there is mention made of *Villeins*, and in the towns of Hill and Dulham in the Saxon Kings days. Bracton saith, in mannors which are ancient demesne of the King, there have been *Villeins* before

fore the Conquest, in the time of the Conquest, and after the Conquest; nay, as at this day by the law of England, one may be a *Villein* and hold no land in *Villenage*, or hold land in *Villenage* and yet be no *Villein*.

That this likewise was the law of England before the Conqueror's time appeareth by that famous charter of king Eldred, made to the Abbot of Croyland; wherein it is set down, that if the bondmen or *Villeins* run away they should be seised again by the Sheriff. But by another clause in the patent, if the *Villein* of the abbot, or they which hold in *villenage* only, commit any offence, whereby any thing shall be forfeited to the King, that yet the abbot shall have their goods.

In the Manuscript of the Saxon laws written in King Stephen's time, one of the laws of King Alured is, if a *Villein* did but think or conspire the death of his Lord, although he did it not (like treason in the King's case) he was to lose his life, his lands, and goods, and all that he had.

I shall shut up these particulars of the Common Law with my observations of the composing of the book of *Doomsday* in William the elder's time: By this *Liber ritualis*, book of customs, he exactly knew the quantity of the land, and quality of the persons, in most of the English soil; I say but of most, because Wales is not described by *Doomsday*, nor the four Northern Shires of *Cumberland*, *Westmerland*, *Northumberland* and *Durham*. The quantity of land of necessity was to be known by the King's records; that is, how many hides of land were in every town, and which of them *gildabat*, and which not; that is, by custom were held in *knight service* and *soccage*; because in those early days, and long after, there was no mustering, but every



every one found soldiers according to the proportion of his hides of land : and by describing the numbers and quality of the owners of those hides of land, he knew in every town how many freeholders, either *in feodo*, who were by *knights service*, or *in allodio*, who held in *free soccage* ; subject not to such command of the Lord, as socmen tenants in ancient demesns, who were of two sorts ; either they had the freehold in them and were tenants by copy, or else they were *villeins* as I have shewed.

By the constitution of *Naples*, the  
*Comparison* feodatory tenant, or tenant by knights  
*with other* service, ought to be surety for the  
*Countries.* Lord, if he required it, otherwise he  
 loseth his tenancy ; and the Lord in a  
 criminal cause ought to be surety for his tenant,  
 else he loseth his Seigniorie : the law of England  
 is contrary in both points. By Andreas, Baldus,  
 and others, the tenant cannot accuse his Lord, or  
 bear witness against him, in any criminal causes ;  
 the law of England is contrary. By the constitu-  
 tion of *Naples*, the Baron or Noble-man cannot  
 demand fealty of his tenant, before he have licence  
 from the King, and fealty may be performed by  
 Attorney ; it is otherwise with us. By the custom  
 of *Lombardy*, if the tenant received any letters  
 from his landlord, he must receive them honour-  
 ably ; in token whereof he must rise up, and put  
 the letters upon his head ; for by Baldus and An-  
 dreas de *Isernia*, he must be obedient to his Lord,  
*cum grano salis* : we have no such custom. Dynus  
 and Bartolus write, if the Lord come into poverty,  
 the tenant is bound to maintain him : it is contra-  
 ry in England. Andreas de *Isernia* sheweth their  
 feodatory tenants are bound to allow a way over  
 their land, to their landlord, if they demand it.  
 And

And it seemeth by Cumanus, if the tenant grant the way over the land to his Lord's enemy, *feodum arripitur*, he forfeits his estate; the law of this realm is opposite to these particulars. By their feudal laws, if the tenant commit adultery with the wife of the Lord he loseth his full land; and by Romanus, if a vassal, or tenant, *concubitat cum concubinâ domini*, he is punished; by our law there are no such penalties. Felinus, and Chassaneus Lucas de Penna, and the Constitutions of Lotharius, shew, the Lord cannot sell his land without the consent of the tenant; if he do, he loseth his feignory: This likewise is against our law. The Florentine Cardinal, and Baldus, affirm, their tenants by knight service can waive, and disclaim to have any thing to do in the land, and thereby vest it in the Lord, and avoid his services, because *feudum in gratia utriusque* is granted: I have already elsewhere shewed it is lawful by the Common law: also the feud or land given in knight service would not be so much *beneficium* as *maleficium*: accordingly Sextus Emperius writes, it was the law of the ancient Romans, that the children might waive their fathers estates; by means whereof they were not bound to pay their fathers debts; and I fancy not Pope Alexander's writing, that the son is bound to pay all his father's debts. Bacquet cites an arrest of the year 1556, in France, if a tenant give the Lord the lie, he is to lose his hand; the law of England is not so penal.

By the text he that goeth out of  
*Aid pur fille marier.* his bounds *momordet eum Coluber*: to escape this punishment, I am in the fourth place to treat in other countries of their *aid pur faire Fitz Chevalier, ou pour fille marier*. Vincentius, and Menochius, are good witnesses,



witnesses, who write it is the present practice of many countries. By the customary of *Bretaigne* the Lords have aids towards the marrying of their daughters; and *Brettrand*, and *Argentre*, the tenants there, ought to give the like aid, or *opitulatio-nem*, when the Lord himself, or his eldest son, is made knight. By the constitution of the kingdom of *Naples*, and by the Capitular of Pope Honorius, concerning the said state, the Lord shall have aid to make his brother knight. And by Speculator, the Lord of feudatory tenants shall have aid to marry his sister as well as his brother. By Cæsar Urfillus, and Boerius, *tenentes Burdegaleses* paid *aid pur fille marier*. Boutillier for France, writes in his time, the *aid pour faire Fitz Chevalier*, or to marry his eldest daughter, was not certain; it stood only at the curtesy de facto. King Francis the I. anno 1540, by his letters dated the 23d of September, gathered both these aids, and caused them to be taxed to the value of half a relief, which fashion was not used by any ancient King of France.

King Hen. II likewise gathered these aids, and the last King Hen. IV anno 1609, for the marriage of the Dauphin who now is King.

If the eldest daughter enter into religion, then the aid is not due; in the opinion of Paponius, Cassanæus and Rebuffus; but Boerius in his Decisions, and Peter Ratt in his Comment upon the customary of *Poitiers* is of another mind, drawing the argument *a carnali matrimonio ad spirituale*: although by the ancient civil law every one ought to marry his own daughter, yet by the Historians the daughter of C. Caligula the Emperor, and the daughter of C. Scipio, were so poor, that they were fain to be married out of the publick treasury.

To

To my purpose Halicarnassæus notes, anciently the Clients did *Patronorum filios nuptiis locare*. The Emperors *Coronæ aureæ coram nomine* spoken of by Dion, and the Bishops money at the first inthronization, *Cathedraticum*, resembles not those aids.

Epiphanius notes out of Homer, how Helena at the wars of Troy stood within the city upon a watchtower, and by a torch shewed the policy and manner of warfaring of the Grecians against the Trojans; the sixth line of the method is my Helen, with a torch in her hand, to discover the manner and reason of warfaring by tenure; how it may combat or agree with the warfaring in other countries, ancient or modern: as by the common law general, until the division between the two roses, our late civil wars, there was no special mustering of men, by sub-directions of Lieutenants, and deputy-Lieutenants; their names being scant visible in their modern laws of England, but according to the duty and conscience of their tenures: upon proclamation of wars, they being *populi fundi Angliæ* appeared in person or sent other their country men for them, or else paid their *escuage*, the money that was allotted by Parliament, to supply the rooms of them that were absent; and this money was levied upon every knight's fee: as in the fields of general commands, the colonel, and captain, who likewise disposeth of his soldiers, so the supreme Lord, the king, commands his great vassals, and they command their knights, who sometime call upon their tenants, according to their knights fee. And this undoubtedly to be true with us appeareth, and might be further verified, by many hundred of records, and statutes, and by most of our historians; yea strangers, as the French. Sigebertus, writing of the wars, that



King Hen. II. made in France, at the same time that the king of Scots served under his banner, and was made knight by him, speaketh thus; he calls our knights fees, *Feuda Loricæ*: accordingly in the ancient state of *Rome*, until 35 years ab urbe condita, as Alex. ab Alexandro notes, the people of *Rome* warred at their own charges. And Sabellicus observes, the first mercenary foldiers, that state used, was in *Spain* in the 7th year of the second Punick war, by Pliny. After the town of Anxurus was taken they used mercenary foldiers, and (as with us) the provision for the wars was local, according to the quality of the land held. Accordingly the *Gauls* (saith Cæsar) had more or less *Ambaets* or *Clientes* in the war as they were of greater or lesser state.

And Justin notes, the *Partbians* found more or less horse proportionably to their riches. Tacitus sheweth, the *Germans* furnish their horses according to their towns; and by Aristotle's writing of the *Athenians* in *Atidea*, they made particular terriers of their land, and thereunto proportionably provided an army with men, and money. In the oration of Demosthenes pro Ctesiphonte, there is recited the edict of Philip King of *Macedon*; whereby he commands them of *Peloponesus*, by the space of 40 days, to furnish him of men for the wars, and with provision of victuals, which fully expresth our *escuage*, or warfaring tenure: the first mustering of choice, and select foldiers (as it should seem) amongst the *Athenians*, according to Diodorus Siculus, in his 11th book, was brought in by Tolundus a German.

Clergy contribute  
to the wars.

With us unto the wars the  
Clergy contribute as well as the  
layety; so Livy tells you, when  
Faber

Faber and Aurelius were Questors they forced the clergy to pay all arrearages they owed for the wars. By the law of Honorius Theodosius, the clergy, as well as others, were to repair highways and havens. And Pope Gregory the IX saith, they must watch by turn their lands. By Baldus and Boerius they ought to pay the impost of wine, the eighth part of the value to be employed in repairing of bridges, or high ways. That they ought to pay all taxes due upon the land, appeareth by the law of Constantius, and another of Theodosius, and Valentinian in the several Codes. Nazianzen writing to Julian his friend, a collector of Taxes, would not have him gather any of the clergy, who by no law of the ground are bound to the emperor. These taxes, or servitudes, by reason of the lands, they ought the more willingly to undergo, seeing our SAVIOUR, the head of the church, himself underwent a personal tax of the emperor. On this behalf, Pope Urban's reason is weightless, where he writes, the clergy ought not to contribute to the wars, because in the 47th of Genesis, Joseph made all the land of *Egypt* tributary, except that which belonged to the priests: These places of Pope Urban, [are] recited by Grosthead Bishop of Lincoln in his 127th epistle for the liberty of the church: yet he confesseth the bishops and abbats ought to find soldiers; for this is (saith he) in respect of their baronies: and although by the scripture the clergy ought not to be soldiers, no more are they in England; for they only send others for them to be soldiers. Wherefore when Episcopus Bellovacensis took arms against our King R. I, who took him in his complete armour, (the Pope making means for his deliverance) he sent back his helmet to the Pope, asking the Pope,

I 2

(as



(as Nubrigensis hath it) whether the holy father had any son in such apparel. But for this text there is another answer than Grosthead's; for suppose the Levites paid none, yet (a judicial or political law as this was) it is not to be used necessarily, in Christian states; especially seeing our clergy have temporal, and country lands, which the Levites had not: the best answer for this text is, that it is only meant of the Egyptian priests; for by Pharaoh's laws the Egyptians were to sell their lands, which he granted again in fee farm, yielding the first part of the value; Joseph for Pharaoh did not bind the land of the Egyptian priests. Notwithstanding the clergymen hold land by knights service, yet ever since the foundation of the English monarchy the persons of the clergy had a privilege, not to be compelled to go in person to war; and this was likewise a privilege belonging to the English priests, being Pagans; as appears out of Beda, remembring, that by the preaching of Paulinus, Edwin King of Northumberland first became a Christian, and Coisir his Heathen priest told him there was no goodness or truth in the Heathen Gods. It being disputed whether the King or Coisir should first pluck down the Pagan altars, Coisir told him he might not do it as yet, for being an heathen priest, it was not lawful for him to carry any arms, nor to ride upon any other beast, but a mare.

The Romans (by Pliny<sup>a</sup>) unto Hermodorus, the Ephesian, who did interpret the law of their tables unto them, erected an image: although my endeavours are worthily fruitless of the like effect, yet in the eighth place methodically, I will repass

<sup>a</sup> Nat. Hist. 34. c. 5.

from Littleton's second book to his first book ; that is, from our tenures in *chivalry*, and *soccage*, *relief*, *homage*, *fealty*, and *escuage*, to *tenant in fee simple*, *fee tail*, for *life*, *years*, and *at will*, and to *copy holders* and *villeins*, and comparatively interpret them.

The estates, right, interest, or freehold, of the subjects in England, which they have in their land, how it agreeth, or disagreeeth with the inheritance, propriety or dominion, which the subjects of other Christian princes at this day have, or formerly had, will best appear by the description (I may not say definition, for they are as much impossible, as dangerous in law matters,) of *Ufus*, *ususfructus*, *emphyteuta*, *feuda*, *libellum*, *hereditas*, *allodium*, *majoratus*, *dominium*, *locatio*, *conductio* ; and by a comparative instancing in some particulars of the common law, which, in some part, nearest resembleth the foreign estates and interests, to be described ; I say a resemblance only, for its impossible, that the common law should afford particular estates, absolutely or reciprocally expressing, or coequal to them, as Elizeus was to the child, seeing they are *supposititii fetus*, in respect of the common law, and aliens, never made or likely to be made denizens of the policy of England ; and, which is more, the civil lawyers themselves are not well agreed of the nature of these particulars.

Howsoever, although King Achas pleased not God by building another altar in the temple of God, according to the form of the altar at Damascus, yet I am satisfied I shall not displease our common lawyers, if I erect and parallel the particulars of the civil and common law in this kind. Aristotle was erroneous in affirming God was only  
in



in heaven; vain are these professors, who think there is no honey but in their own hive.

Questionless there are many things in the civil law remarkable and powerful: I affirm of them both, as it may be said of honour, and virtue in Rome, they have the same form or foundation of primary reason; their altars are proportionable, their sacrifices are common: I appeal likewise to the civilians, whether after my description of these particulars they shall not be said several grafts upon the stock of common law, hereafter *de jure* belonging to it; seeing by the civil law and by the common law, if my plant, by water be carried upon your land, and there it groweth, it is not lawful for me to challenge it, much less to pluck it away: at leastwise my resemblances agree with Pliny in his Panegyrick, *ut quod gentium est uspiam, apud omnes natum videretur*.

*Ufus* by the body of the civil law is only *Ufus*. the right of using another man's goods, saving the substance of it; he to whom such right is granted is called *usuarius*.

*Ufusfructus* by Justinian is described to be the right of leasing, and enjoying of another man's goods, saving the substance thereof; he that hath this right is called *usufructuarius*: by this word (enjoying) it differs from *usus*, and thereby *usufructuarius* hath dominion or interest into the fruits: and *fructus* not only comprehends cattle, with their wool, and milk, but the rear, and that which cometh from them. And properly *usufructus* is of those things which are not consumed or spent by using, as land, houses, or cattle; or such things as are spent or wasted by using improperly by the civilians a man is said to have *usufructus*; by Cynus, whom Lestus

Lestus stiles a man born for the publick good, *fructuarius* in another man's land, of which he hath the *ususfructus*, ought to do all that which a diligent or good master of an house-hold would do in his land, or goods as he is in possession of; but not naturally, for that the *dominus*, the owner, possesseth. I am to branch out this, and distinguish the particulars, learning from Aristotle, it is impossible, circularly to define any thing.

The best and ordinary description *Emphyteusis*. of *emphyteusis* is, that it is a contract, whereby any moveable thing is granted, to be enjoyed under a certain rent, reserved to the grantor, whom they call Lord of the propriety, or freehold: Alciat, according to the etymology of the Greek (though some quarrel at it) hath well noted, to give a thing *in emphyteusin*, is as one would say, to give a thing, to be manured, or bettered. Bartolus (whose opinion for law, by the second book of the ordinations of Portugal, is to be followed by the judges, if there be not particular custom, or Cæsarical law, or gloss directly in the point,) confesseth, the special life of *emphyteusis*, is in the payment of rent to the Lord, and the rent, and other service may properly be reserved; yet he cites, and shews, *emphyteusis* sometimes may be granted rendering rent, or fealty, and yet it shall be an emphiteutical contract. And whereas by the Feudists *emphyteuticarius*, the tenant, that holds lands in that kind, hath only *utile dominium*, that is, a possession, not a freehold, yet Geddæus saith, *emphyteusis est possessio, et dominium possessionis*, and may be granted for ever, as long as rent is paid; so hard it is for the customary estates of tenants in several kingdoms, although acknowledging one supreme law or foundress, the civil,



civil, or feudistical laws, to agree amongst themselves ; as by their law *emphyteusis* may be granted for ever, or for lives, or for years, above ten ; if under ten, *utile dominium* doth not pass ; it is accounted rather *contractus locationis, quam emphyteuticus* : although *emphyteuta* be *usufructuarius*, he cannot give, or assign his right over or sell it : The *emphyteuticarius* may without licence of the Lord, and he that buys it, hath the interest, performing the conditions annexed : the ordinary *usufructus* is determined by the death of the usufructuary : the *emphyteuta* doth descend, (except it be especially granted for life,) and descends, (by Alciat) as well to female as to the heir male. The ordinary *usufructus* may be moveable goods, the *emphyteuta* is only immoveable goods, that is to say in lands.

Epiphanius, Bishop of Cypus, at the request of Palladius, wrote a book called *Anchoratus*, because as an anchor it would settle the man, who doubted in matters of faith ; the willinglier I pursue the description of these particulars ; in that I imagine our common lawyers will thereby receive some light, if not satisfaction, when they have occasion to speak of foreign inheritances in land.

To give an exact description of *feudum*, *Feuda.* which is so ordinary an estate of land in *France, Germany, and Italy*, is impossible ; in so much as - - - - - writes, that *jus feudorum* is rather the custom of a country, than any written law ; and by Baldus, *feudum* is *genus*, and *investituræ species* ; and although Baldus would have the feudal laws, established by Frederick in *insubribus* in *Lombardy*, to direct to feudal rites, among all nations having no particular rite, yet Faber sheweth you, they hold not in *France* on this behalf ; where Julius Clarus saith, this *Liber feudorum*

*rum* is authentique, and may be allowed for law, beyond, and on this side the mountains: yet *Tramontane*, as well as *Ultramontane* Civilians will deem it otherwise: but for my purpose *Julius Clarus's* description of *feudi* is the best; where he saith, it is a free and perpetual grant of an immoveable thing, with the transferring the *utile dominium*; the propriety is retained, reserving fealty, and exhibition of services. The proper difference between *emphyteuta* and *feudum* is, that *emphyteutarius*, in acknowledgment *directi dominii*, paid yearly some rent, or other real thing; *feudatarius* is only to do service, homage and fealty. *Bartolus* saith well; although *emphyteuta* and *feudatarius* enjoy their land in their own name, yet, because they have not *directum dominium*, but *utile dominium*, they pass *contemplatione alterius*; and in *feudis* they properly descend only to the heirs male: therefore the fourth of the *Partidas* tell you, that the word (Heirs) in feudal grants is as much as to say only heirs male. *Cynus* saith, the propriety of the *feudi* doth not belong unto the tenant but unto the chief Lord; to whom that is *allodium*, which to the vassal is *feudum*, the propriety with the landlord: Accordingly I remember the Dutchy of *Parma* and *Placenza* being anciently parcel of the Dutchy of *Milan*; until the Duke of *Milan* gave it to the See of *Rome*, as *Platina* mentioneth in the life of Pope *Julius* the second, and Pope *Leo* the tenth; after by the Pope it was erected into the Dutchy given unto *Farnesius*: therefore, by *Bartolus* and *Baldus*, and *Ludovicus*, *Sacca* the Duke of *Parma* is the direct Lord of all feudatories within the said state; yet, in respect of the church of *Rome* he is *utilis tantum dominus*, as having only a possession;



sion; the freehold being in the Pope and his clergy.

*Libello datum prædium* signifieth no more, generally, but land let out at rent; but properly *Libellarius* is he to whom *emphyteuticarius*, or *feudatarius* lets out his land, yielding rent, as you would say, an undertenant; Sabellicus having - - -

The divine power saith Chrysostom draws his bow that he may not shoot, whets his sword that he may not strike, by sparing, to shew his kindness; yet if I, having drawn my bow should not shoot, that is, having a former shew of describing, and paralleling, the estates of foreign tenures or land, with ours, my sparing would make me unkind; wherefore I remember *hereditas* by the way is accompted amongst incorporeal things.

*Allodium*, by Hottoman, is the proper patrimony of any freeman, not subject to rent, or *emphyteuticarii*, or tenures, as *feudatarii*.

*Majoratus* which is the worthier holding in Spain, and almost peculiar to that country, by Anton. Gomez. in L. Tauri by Couarruvias, and others, is described to be an estate of land, freed from service, or rent, and not to be aliened, so that the heir is to succeed unto it, as was ordained by the first donor.

*Dominium* generally is but the freehold right or interest, which a man hath in a thing; Bartolus his description of *dominium* is the right of disposing any corporate thing, unless it be forbidden by the law of rights, or thing incorporate; by them a man hath but

but *quasi dominium*; ye may see in the Digests sometimes they have *dominium possessionis*. Saurez, the Jesuite, saith, *dominium* is but the faculty, or using a thing to any purpose. This word *dominium*, and most of the rest, are equivocal words, and have a manifold homonymia in them, although the grammarians say, to go about to define an equivocal word, formally giving no distinctions thereof, is but lost labour. This only truth, if by your definition or description you mean at once to unfold all the signification or nature the word hath in it; otherwise it is distinction enough to say, I mean to describe them as they are taken in the civil law, or the feudal.

*Locatio* is defined to be a contract, by *Locatio*. which an immoveable thing is let or demised, under term of ten years, for a sum of money, *ad usum aut fructum*.

The making of such a bargain is *Conductio*. called *Conduction*; so that one and self same contract, on the one part of him, that grants any thing *ad usum aut fructum* for money is called *Locatio*, on the part of him, that takes any thing for money, it is called *Conductio*. Antonius Pius the emperor forbad the bestowing of any large cost upon shews; these particulars not being common law, purposely I have shortly delivered them.

Howsoever, least my succeeding paper might make me resemble to the sepulchre of Carolus Marcellus, which was made by Emilius, it contained nothing; therefore Martin Chronicon censures him to have been a robber of churches; seeing likewise the Civilians are courteous, as - - - - - they will suffer any to gather their fruit, I shall pick out some short mis-resemblances,



or disagreements, between the common law, and the civil law, to the former described particulars; I say but some few, because it rather becometh some exquisite common lawyer, or civil lawyer, to handle this argument.

Accordingly a schism being, whether Victor or Alexander (after the third) should be Pope, the emperor appointed a council at Bizantium in the Imperial Burgundy; the Kings of Spain and England refused to come; - - - - - the King of France was bound by his promise to be there; he cometh in the evening to the gates of Bizantium, and washed his hands in the great river, and presently went away, affirming it did not belong to the Emperour to summon general councils, yet he had performed his promise. For my purpose, particularly to the civilians; *usus*, *ususfructus*, *emphyteusis*, and *feudum*; an absolute resemblance (as I have said) of the particulars, is impossible; that our law is so unlike unto theirs; herein appeareth some of the glory and riches of the common law above the civil or feudal laws, for these laws, (in their *usus*, *ususfructus*, *emphyteusis*, *feudum*, of lands or goods in one and the same thing, admitting several interests or rights in the thing, *dominium utile*, and *dominium directum*, to several persons,) hammer out plenty of legal or chymical distinctions - - - - - the alchymist, they distil fountain waters; by reason whereof the poor clients in their courts roll the stone of Sisyphus: But the motions of the civil lawyers in their courts, are like the glorious motion of the sun in his orb, who altho' he professeth to move continually from the east to the west, yet before the year go about will shew you, and run a quite contrary motion from the west unto the east, reciprocate *per eandem serram*;  
not

not without cause then Budæus complains the judgments in their courts to be *securi littoris scopulos patrimoniorum naufragia*. Plainly by the common law in lands or goods, several men by several titles, cannot lawfully have interest, possession, or freehold; the *dominium utile*, and *dominium directum* (as the actual estates of inheritance) are as inseparable, and twined together, as English - - - - - twines. The error of Dr. Cowel is so gross and dangerous, insomuch that it may be questioned whether every subject of England, that hath any land of inheritance, may not bring an action of the case against him, if he were alive, for his strange assertion in print; as that the subjects of England in their land have only *utile dominium*, and not *dominium directum*: This doctor's words (in his word *feuda*) are, (if we will reckon with our host as the proverb is) there is "no man in England hath *dominium directum*, i. e. the very property or demesne in any land, but the prince in the right of his crown; and the pleading thus imports; which is *seisitus in dominico suo ut de feodo*, which is as much as to say, mine after a sort, but not absolutely mine, because I hold in nature of a benefit from another."

By the laws of *Spain* and *Portugal* it is not lawful to sell poyson; and by - - - - - *cogitationes aeriae* are not to be admitted, especially when they concern our freehold: to confute him: by the same reason he might affirm the King himself hath not the absolute propriety, the *dominium directum* in any land, because in pleading for any land he saith he is seised *in dominico suo ut de feodo*, to which purpose are infinite records of pleading in the courts of Westminster; which Mr. Doctor not perceiving, he might have seen it in the English



lish statutes : to instance in one, the statute of the 37 Hen. VIII. c. 16. or 10. saith, the King is seised in his demesne as of fee in the manor of *Rippon* in *Yorkshire*, and of land called *Watcbary*, in *Sussex* : plainly the words *dominico suo ut de feodo* is as much as to say, as a man is seised of land, or corporate inheritance, in fee simple, or to him, and his heirs of his body ; then the pleading is, he was seised in his demesne, as of fee-tail ; if one have land but for life, he saith he was seised in his demesne as of freehold : The Doctor, in many places of his book, quoteth Bracton ; but viewing him only as the dogs did the River Nilus, he hath fallen into so great and dangerous an error. For Bracton, at large discourses in Hen. III time of the reason of the pleading in common law courts, *seisitus in dominico suo ut de feodo* ; as it signifies sometimes, *de similitudine*, sometimes *de veritate*, that a man may be seised in his demesne as of fee ; as when one hath the inheritance in lands one may be seised of a fee, and not of demesne, as of things incorporate, as advowsons or the like ; and one may be seised in demesne, and not as of fee, as tenant for life ; for *feudum*, or fee, by the laws of England is not the tenure of knights service or soccage, and answerable to *feudum* of the Emperour Frederick, but, as appeareth by the first words of Littleton, and by Bracton's definition of *feudum*, the actual estate of inheritance which a man hath in land or rent : this formerly in the tenth chapter I have treated of, and I say no more here thereof ; for readers are not, or ought not to be, like unto the Athenians (who by the text) desired to hear again of St. Paul the things he formerly delivered : The reason of the word demesne in pleadings is for land or inheritance corporate, or visible ; you might  
so

so plead *in dominico, ut de feodo*, for inheritance incorporate, or invifible, as if one have a rent, a market, an advowfon, a warren, or fair to him, and his heirs, or in fee tail, he muft fay only he was feifed of fee, leaving out the word demefn.

That the pleading was accordingly, many hundred years paff, in Edw. time, I will recite a part of a manufcript of *Peterborow*, whereby it is remembered, that Geoffry de la Mare, by a record in 34 Edw. I. had by inheritance the conftablewick of the abby of *Peterborow*, by reason whereof he had the conduction of the men of the abbot, fent into the wars of the King, and he was to ferve in the firft courfe of meat, at the installing of the abbot, and to have all the gold, and filver plate, fet that day upon the abbots table, and the efquiers and fervants of the faid Geoffry were to lodge in the abby; Geoffry de la Mare was fain to fue the abbot for his fees belonging to his tenure; but faith the book, tricked him upon his plea for faying, he was feifed thereof in demefne, as of fee, whereas he fhould have pleaded, he was only feifed of fee, becaufe the fervice was a thing incorporate; yet the abbot to be releafed of the right and tenure gave Geoffry de la Mare 600 marks.

Notwithftanding the foundation of the civil law, as well as of the common law, is firm, yet I am to prove the upper building thereof is weak, and difcommodious to dwell in, and muft give place to the common law: St. Auguftine, although in the heavens the fun overrunneth the moon in light, it is no difpraise to the moon; this will appear by the nimble, or wrangling diftinctions, that this difference of *directum* and *utile dominium* breedeth in the civil law. Firft for *usus*, as may appear  
by



by Justinian's institutions ; he that hath *usus* in any goods, there, *bona* comprehends chattels real, and personal, and freeholds, and estates of inheritance ; although he have interest, and right to use another man's lands, yet he may only take the flowers, apples, olives, woods for his daily use : This *usuarius* may walk or dwell upon the ground, so that he be not troublesome to the owner, or possessor of the ground, or hinder the servants which manure the land ; he cannot give or sell away the profits, he may take himself, or do any other thing, which *usufructuarius* may do ; for he that hath the use of cattle may only labour them, he shall not have the wool, or milk, or rear of them ; yet saith the text of the civil law, he shall have a little milk, and the dung of the cattle, to muckle or composture his land : If this civil law were the law of England, what work would it make for Curfitors : then would it be said of our law books, as Eunapius speaks of theirs, they were *multorum camelorum onus*.

Further to instance in this particular ; that one may have *usus rei alienæ, salvâ substantiâ*, what chimeras, ideas, and diversities in the states of men's lands, or goods by reason hereof have been transferred unto the Pope and his canon laws. Hereupon the order of Frier Minors ; that, of all other especially, [to] vow and profess poverty (to seem more religious unto the people) give out ; and so the canon law adjudgeth ; as you may see by the decrees of Pope Nicholas the III, and Gregory the IX, and Clement the IX ; although they are in possession of fair houses, they have but Justinian's use ; the dominion, or freehold, or interest of them is in the Pope, who may take from them ; nay they say, that they have not so much as the  
interest

interest or propriety in wine, bread or money which is given them in alms; and although *usus*, and *consumptio*, are not different, yet say, that they have but the use, as the civil law imports, the interest, propriety and dominion, until they have drank their wine, and eat their meat, or spent their money, remaineth in the giver.

The common lawyers, when they hear these distinctions of propriety or interest, use Aristotle's phrase; we understand not the meaning in this respect, those Popes it may be with their commentators; as the fellow in Lucian, which was called blind, because he could not see Plato's idea, which had a thin and airy substance. By better reason was Augustus the emperor blamed, by Suetonius Marcus Antonius, for writing these things, when men rather wondred at them than understood them: we may find fault with them, and that in the note of Basil, whom Nyssen calls the golden Nitingale of the church: It is evident, saith Basil, those subtilies are the foundation of wicked learning: apparently the Friars Minors, their gluttony or superfluity, do but mask with poverty, or - - - - - their assertion cannot by any natural supposition be held for truth; for in these things, whereof the use and spending do not differ, as in old wine, corn, meat, and the like, the faculty, or right to the use of them cannot be seperated from the interest, or propriety of them. And of this opinion is Thomas Aquinas; for (saith he) if one sell the use of the wine severally, and severally sell the wine itself, he selleth the self same thing twice: this was so palpable a fancy, that Pope John the XXII made an exprefs constitution against this opinion of Pope Nicholas and the other Popes: Pope John holding the Friars Minors have *verum*



*dominium* in the things they spend, because it is impossible to distinguish in things which are spent in using *ipsum jus utendi a dominio*; yet the late Jesuites are angry with this Pope for this constitution.

The *ususfructus* of the civilians, *Usufructuaries*. although exploded at this day in most states, admits more reason, as carrying more interest; but in our state, he must be a poet, and not a common lawyer, that can parallel; for although Bracton writing of the common laws of England in Hen. III time, saith, in one and the same tenement a man may have the freehold, and another man may have the *usum fructum, et usum*; Bracton, when he comes to explain these words of the civil law by common law cases, meaneth only, when one hath a lease at will, or a lease for years, and recites the writ *ejectione firmæ*: so that the particular of *ususfructus*, I will only exemplify out of divine St. Augustine, in an epistle which he writes concerning the land of the church. He saith we are upon the matter but procurators, for the poor taking sufficient for themselves, we challenge not the propriety thereof by a damnable usurpation: this is as much as to say the clergy in their land had only an estate of *ususfructus*.

The *emphyteusis* or *feudum*, which *Emphyteusis*. manner of interest, for the most part, grew unto the inhabitants of Europe upon the overthrow of the Roman empire, wherein the possessor had *utile dominium*, that is to say, the *superficiem*, or *vesturam terræ*, and the giver *directum dominium*, who is therefore called *in feudis dominus directus, feudatarius*, or seigneur tres - - - - as the Frenchman speaks, for understanding

standing sake may be exemplified to an estate at this day allowed; but before the statute 27 Hen. VIII, if a man made a feoffment to his use, *Cestui qui use*, had not so much as *emphyteuta*, or *feudatarius*, not *utile dominium*, he a mere tenant at will, or firmor of the profits, all the interest, or *dominium* was in the feoffee. The case of *Prima Tonsura* - - - - - will not exemplify this, it being an interest and profit *apprender*; But the case which at this day corresponds and serves to enlighten the estates that some foreigners have in their lands, is the estate that copyholders of inheritance have in their lands: for although at the beginning there were tenants at will, yet in prescription of time in copy-hold lands the lord hath *directum dominium*, the freehold of the land in him, and the copyholder by custom hath the *utile dominium* the *superficies* in the land, descendible to him and his heirs, not removeable by the lord, doing his services; but this is only by custom, for the common law so abhors this distinction of *utile* and *directum dominium*, that at this day one cannot create a copyholder. And in the further parts of *Italy*, that their feudatory tenant is like our copyholder in other respects in part appeareth by the constitutions of Robert II. king of *Naples*. And Andreas mentioning such a tenant, after the death of his ancestors must pay investiture, and paid relief; - - - - - may well affirm many nations of *Europe* are ignorant at this day of *contractus emphyteuticus* or *feudatarius*; among which is *England* in respect of the *utile*, and *directum dominium*, of severing the *superficies* of land by inheritance, from the freehold or interest in the land, making land answerable to Euclid's geometrical body; Yet I observe in some sort anciently more than now, our



land by inheritance, held by homage, or knights service, answered their *feudum*; for as Lucas de Penna and Julius Clarus write, the feudal or emphyteutical law tenant by inheritance cannot commit waft or cut down trees, and the like, for impossibilities of escheats, or interest, or *directum dominium*; so it appears by Glanvil and Briton, land which was held by fealty and homage, although the tenant hath an estate of inheritance in it, yet it was subject to the like condition; the former words in the civil or feudal law being again to be delivered (as Pindarus' phrase is) makes chained labour.

The next word or link in the chain *Hereditas*. is *bereditas*, which in the civil law by Julianus the lawyer, and others, is the right and title which the heir hath to his land; but in the common is natural seisin, and descendible possession and freehold, which a man hath in land. Nachill, some write in Hebrew, is *bereditas*, and signifieth *torrens*, as a full water descending and spreading itself unto the proper arms. Tully speaks of an house had *bereditario jure*; this a common lawyer would translate a house in *fee simple*. Molinæus writes the *bereditas* is only of him that was dead, and not of him that is alive; the common law is quite contrary, and the first article of *Speculum Saxonie* saith, all *bona*, of him that is dead, are called *bereditas*, except his *feuda* - - - - -  
- - - - - saith - - - - - are called *beredum*, because they follow the heir *beredum*; but by reason of the *feuda* our estates of inheritance in the common law are patrimonial, and want the distinction of *directum* and *utile dominium*; our common law *feuda* may be said to be our *bereditas*.

Benedictus

Benedictus the monk was frightened; King - - - -  
 - - - - - made a vessel which was empty to be  
 instantly replenished with oyl by his praier, as  
 Gregorius Turonensis reports it; but without any  
 miracle my words will fill the empty remaining  
 particulars. Your *allodium*, in the civil, or present  
 law of their countries, are *immunia prædia*, land of  
 inheritance, least subject to tenures, or if any the  
 most easiest, or wherein the inheritance of the  
 possession, *vestura terræ*, or *utile dominium*, is joyn-  
 ed in one person, confusedly with the inheritance  
 of the freeholder, or *directum dominium*; of which  
 kind, I take it at this day is all the land in *Eng-  
 land*, *Scotland*, *Denmark*, and the Northern coun-  
 tries, and most of *Spain*, and especially *Portugal*,  
 as appeareth by the second book of the ordina-  
 tions of *Portugal*: Thereby Alvarez de Valasco  
 saith, these kind of free tenants have a peculiar  
 name, *Reuengi*. Damanianus a - - - - - the  
 Portugal knight, notes the - - - - - men  
 of *Spain* are called *Reguli*, and of this nature, as I  
 guess, is all the land of *France*, *Italy*, and *Ger-  
 many*, which is not let in *emphyteusi*, or *feodo*, or  
*roturiers*.

In *England* likewise *allodia* are taken for the land  
 of the best estate or tenure; as may appear by  
 many places of *Doomsday* to this purpose: The  
 charter of King William Rufus unto Westminster  
 abby, where he giveth land.

*Thurstanus, Hurscarlus Ed. regis cognat. de eodem  
 rege tenuit libere in allodio.* *Hurscarlus*, is a Danish  
 word for servant, *Hidal* is a Spanish word for Gen-  
 tleman. Some hold, that they are *allodia*, *quia mi-  
 nime indigent laude*; but it cometh from a German  
 word, importing land free from taxes. Rhenanus,  
 being no lawyer, holds, *allodia* are lands entayled  
 and



and inseparably united to a family: Ægidius and Molinæus, although land be *allodia*, yet it is not exempted from the supreme sort of justice; and though the oath of fealty, where Cicero de *L. Agrar.* intimates the Romans had three sorts of *Prædia*, *optimo jure*, *libera*, *servilia*; at this day in *England*, I fancy, the land in fee simple, which is held in *soccage*, may be esteemed *optimo jure prædia*, contrary to the ancient nature and privileges *militum*, of soldiers; the *fee simple* of *knights service* land, *libera prædia*, copyhold land, *servilia prædia*. By the civil law the propriety, freehold, or *alodium* of land, cannot be sold, except a man have a good right to it; the common law is contrary.

*Majoratus* or the *Spanish Primogenia*, an estate tail male inalienable, being a late invention; as may appear by Gomez; as land which came from the crown, which as long as it continues in a posterity, makes their minds as valorous, as the prime founder of their fortune, their ancestors. On this behalf Pindarus calls Pluto the god of riches; as they do increase, so will a man's stomach evidently; these *Majoratus* resemble the appennages given out to the heir male of the royal blood in *France*, or the - - - - - which *semper stirpi adheret*, and agreeth with the *Bockland* estate of perpetuity, mentioned by king Alured, or our estate tails created to the heirs males of the body by the statute of Westminster 2 in Edw. I. time, which likewise were - - - - - but remained indissoluble in the blood, until lately in King Edw. IV time, by the judges of the common place, a common recovery was suffered to cut them off. Doctor Cowell, who in Tertullian's phrase, *scintillas conflabat*, blows up the sparks, writes it to be considered, with what conscience the

the judges have invented these recoveries to cut off estates taile, to the end they may rub their teeth with the powder and water Tertullian and Hippolitus write of and hereafter have a sweet mouth, who take upon them to examine the consciences of judges, who have as much prehemineny by their virtue and wisdom (as Nazianzen writes of Athanasius) by their dignity and degrees (as a Greek father writes of Basil) their words are thunder, their lives lightning that is so pure.

I shall deliver reasons, that it is fit perpetuities in estate tail may be cut off by recoveries: my reasons I shall collect out of foreign laws, and out of the common law: as I am to produce some of the former, I think of the Close rolls of the tower, where it is commanded, that those, who come from beyond sea, and bring liquors with them, should be forced first to taste of their new liquors; in this place voluntarily I have done it; wherefore I may set them on sail; but, (as Horace saith *mea sum pauper in arte*) if a man, by this trespassing act against the statute, may lawfully forfeit the estate tail barr which is at present and the ancient policy of states, as in other countries more at large I shall unfold, by as good reason by the legal act is to have power in him to dispose of his inheritance.

In *Spain* they allow it for good law, that the house, where false money is, shall be forfeited unto the exchequer, although the owner were ignorant thereof; but this is an hard law: anciently two foreign lawyers, Caius and Barbatias, affirm, perpetuities weed out virtue, and industry, by taking away their reward, and they sow the seed of idleness and contempt. Again it is lawful for a man by foreign examples to disinherit his son;  
by



by better reason one may sell his own estate : to instance it out of prophane and divine stories :

For prophane ; Themistocles was disinherited by his father ; (as - - - - - writes) he thought the boy would prove prodigal ; so Pompeius Reginus by Valerius Maximus was disinherited of his brother : yet if a man were unjustly, as Terentius was by some, there Piso *Præfectus urbis* did not only put Terentius in possession of the lands and goods, but would [not] suffer the heir or Legatary to bring any action for his right by Valerius ; for the last point the common law is contrary ; the King cannot hinder the subject from bringing this action.

In the divine law ; not to speak of David's disinheriting an elder son of a kingdom ; by the text, it appeareth generally in the tribes of *Israel*, the father whilst he lived ruled the family, and left of course his power, to his eldest son ; yet he might disinherit him, as is to be gathered out of 1 Chron. chap. xxvi. ver. 10. in the case of Simri of the family of Merari, who was not the eldest son, yet his father made him head of the family : but as the [xxi.] of Deutr. imports, without cause the father would not disinherit his son.

In the Parliament rolls 1 Hen. IV. it appears, the commons of *England* put up a petition, that our own commodities and goods should be laden in our own ships and bottoms ; and so is the law of England at this day, although practice be against it ; I obey our laws, and the succeeding reasons.

I copy out of the statute of Hen. VIII. c. 27. about uses, and Chudleigh's case ; and the rest adjudged against the perpetuities ; yet I also agree unto our Chancellor Sir Thomas More : the  
maxims

maxims or reasons of the common law in foreign matters, or pleas, have not the same force, as when they are used in the courts of Westminster, when custom giveth the grace.

Out of our printed cases, and statutes, I infer, these recoveries against estates tail stand both with reason and conscience: in that, to embrace a vain and titulary conceit of land continuing a name, intimateth Paganism rather than Christianity: if by law the father could not disinherit his son, upon any reason, or dispose of his own land, the parents would be least regarded of their children, and many men die in prison for want of means to defray their necessary occasions; and children, be they drunken (as Bracton discovereth) or madmen, or bastards, in deed, though not in law, to the unconscionable grief of the parents must succeed them, when other children are more virtuous: although they be perpetual Lucifers, they must always be Angels, and live in plenty.

Again; if these recoveries be not justifiable *in foro conscientie*, then it will be good conscience, that the tenant shall be evicted of leases, by the heirs of the grantor, the lord should be defeated of wardships, and the king lose his escheats, in case of high treason. A further motive to justify the act of the judges in Edw. IV. was, in that although their common recoveries shewed themselves more frequently, and with more allowance than before, yet ever since the making of the statute of Westm. 2. recoveries I take it were had, and were upon ancient titles; for all the judges know this may be in some fashion collected out of the Parliament rolls of the 17 Edw. III; wherein the commons desire to have it explained, in what degrees the alienation of tenant in tail bindeth the issue,



and when not; the king answered, the laws used for the degrees are to be observed.

Dr. Cowel treats only of the conscience, not of the power of the judges, else I might have been subject to a further labour: for these reasons; I doubt but the perpetuities recited by me in the Saxon times, and the perpetuities in the civil law, mentioned in the *Digests*, and in the 119, and in the 120 *Novels* might be cut off, as well as any perpetuities in the common law, although not by the parties own private act, yet by judicial recoveries: And the opinion in a printed treatise called *an addition to Doctor and Student*, "if a statute were made, there should be no sale of land in England, that is a good statute;" questionless it is a void statute. I may say also in - - - - - words, who dedicated his works to Carolus Crassus; these things as it were by excess be remembered, *ad cognominalem vestrum Carolum, jam Olienus accedebat notatus* for *Olerinus notatus*, is in respect of last mention rather than the voice.

Dion Prusæensis writes, those sail quickliest, and safest arrive at the haven, who look upon the lights of the watch-tower; with more speed and credit I shall accomplish my designs, if I direct my course to the so much admired *dominium*.

The Civilians and *French* lawyers, say, there is *plenum, et non plenum dominium*, of such land where is *utile*, and *directum* [*dominium*] the several owners in that case, have not *plenum dominium*: And by Bartolus its properly of corporal things, or right: But as in the common law we have no such difference of *plenum et non plenum dominium*, so a man hath as much *dominium*, or interest, or right descendible in incorporate things, as in tithes, rents, offices and the like, as incorporate things; and herein

herein the common law resembles divinity, for God is as much *Dominus*, and hath *dominium* over Angels, which are incorporate, as over men which are corporate. *Dominium* in the common law, as it is sometimes taken for the seign'ory or right in possession, which a man hath in any thing corporate or incorporate, so anciently *dominium* and *domanium* with us being one, it signifieth the land a man kept in his own hands in demesne for the present nourishment of his family, as it may appear by *Doomsday* and Ingulphus. At this day in pleading it is called *dominicum* which is the phrase of Symonius the monk.

The *French* men call it *domanium*. Theodorus Balsamon calls it *dominium*; *translationis dominium in synodo Laodicensi, et sexto synodo in Trullo*, is the place where *dominica vasa* are kept, which is our vestry; more often *dominic* - - - is taken for the church *titulus* or *martyrium*.

*Locatio* and *conduetio* is but the letting of land under the space of ten years, and needeth not much resemblance.

By Feronius, if the tenant have a lease in writing he is to be called properly *Libellarius*, because *Libello scribitur contractus*; by Gregory the IX, in the Decretals, in respect of the barrenness, or fruitfulness of the year, the rent is abated; our law was never so.

In *Spain*, if one buy the Kings lands, and a subject, and give not the half value thereof, the sale is not good; but by - - - - - if one take a lease of the King of *Spain's* land, or take it as a farmer, although he gain half in half, yet the lease shall stand: for pure contracts or leases came in by the law of nations, whereby in this kind it was lawful for any to deceive one another: but this



reason is against the former part of the *Spanish* law, which agreeth with the civil law, and the law of *France*: One in buying and selling must gain half in half.

- - - - - in his *French* Pladoys hath this case: One sold a horse to a young Gallant, to be paid five times the worth of him at the day of death, or marriage of the buyer; this by the judgement of the court of Parliament of *Paris* was adjudged a contract against good manners, but the court allowed the true value of the horse. By the capitulations of Charles the great, *conductionis titulo habere*, is to have a lease for years. So in a synod

- - - - - in *France*, anno domini 1404: No person or persons shall let *per admediationem fructus beneficii*, that is to let out his benefice for years. Balsamon calls letting out of years the possessor; the lessee the taker of leaséd lands by Alciat may be called, and by the Novels is *Colonarius*. These premisses I would have to inforce your opinions, that I am an alien, if not an alien to the mind of Peter Blesensis in our Hen. II. time who writes, "I read the Code, and the Pandects in the vacation time for some solace, but not to reap any profit."

Jonathan when he came into a wood, where was great store of honey, took only a little upon the point of a stick; for provisions which were reserved in foreign states, as well as ours, the auctorities are so plentiful, that I will write only one or two.

Cæsar, being Consul with Tibullus, in the year 601 of the city, made a law to the Magistrates of the city of *Rome*, when they passed by any Province, the Towns and the people should furnish them with hay and victuals; this is called *Julia de Magis-*

*Magistratibus.* An ancient by her husband had Egypt given her - - - - -

Themistocles had Lanfaica.

Magnesia was given - - - - -

The Jews likewise, as upon their leases, sometimes reserved provision.

To give an instance in each out of the text; for the former, by the Canticles; Solomon had a vineyard in Balhamon, he gave the vineyard unto the keepers, every one brought for his part a thousand pieces of silver, but the provision was reserved.

Christ himself proveth it, where he shews the vineyard, whereof rent-grapes were reserved, the tenants killed the heir apparent of their landlord; where the crafty steward in the Gospel bid the debtors of his master write down so many tun of oyl less than was owing his master, and so many quarters of wheat. I were a - - - - - I should write these oyls and wheat was due to the master in respect of rent and provision, and not for any personal or collateral contract. Varro saith *Plebei* - - - - - that is as much as to say, he let out *soccage* land, yielding yearly the third or half sheaves of corn, or provision, or victual: And as the religious houses in England in the Saxons time, as formerly appeareth, procured deeds for being discharged from the entertaining the King and his officers, of provisions, and from taking up of their houses by their harbingers; generally in other countries of Europe they procure like deeds. Sigonius observes, that Charles the great, being at - - - - -, at the request of Germanus the Bishop, gave unto Clero Mutinensi the lands which were formerly given by the King of the Longobards, and also provided, that this  
judge



judge or officer should *feudum erigere aut mansiones aut paratus aut fide jussores acceperit*. Choppine recites the letters of Ludovicus Pius, the emperor, to the church of St. Maurice in *Anjou*, wherein it is ordeyned no judges shall enter in the lands belonging to the church to hear causes *vel feuda exigenda, aut mansiones, aut paratus faciendos, aut fidejussores tollendos, aut homines ecclesiæ distringendos*. The like words are in the charter of Dagobert, King of *France*, in the year 718, founding *Ecclesiæ Canonice* with further words, *nec ullus pastus dabitur*. The auctorities are plentiful in this kind. I remember Christiana, the wife of Udislaus the second, King of *Poland*, craving of her neighbours in kindness to send her some provision for her house; after, *Lex Regia* ordained it to indure for ever.

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## N<sup>o</sup> VIII.

[*The following is in Abp Sancroft's hand.*]

*I have an original Letter of QUEEN ANNE's:  
of which this is the Copie.*

ANNA R.

**M**Y kind Dogge; If I have any power, or credit with you, I pray you let me have a trial of it, at this time, in dealing sincerely, and earnestly with the King, that Sir Valter Raleigh's life may not be called in question. If you do it  
so,

so, that the success answer my expectation, assure yourself, that I will take it extraordinarily kindly at your hands, and rest one, that wisheth you well, and desires you to continew still, as you have been, a true servant to your Master.

*To the Marquis of BUCKINGAME.*

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N<sup>o</sup> IX.

*YORK his Answer and Opinion to the Question of the Lord Maiors Knights and Aldermen of London for Precedency above ancients Knights than themselves, not Aldermen of London; and to their misconceit, that in ancient time the Citizens of London were known and called by the name of Barons:*

*And that the Aldermen took place and had precedency according to their seniority, being Aldermen and not Knights:*

*Also to Mr. Garter's erroneous opinion concerning the same, and his wrong entitling the Lord Maiors, after their Maioralties, to be Knights Barons, and Knights Lieutenants: All which very briefly shall hereafter be explained:*

*First,*



*First, shewing Mr. Garter his error ; then what the title of Knights is ; with the antiquity and privileges thereof ; then what an Alderman and his office is ; with the antiquity and continuance thereof : And so comparing them both together will conclude, that if Knighthood be a greater title or dignity than the name and office of an Alderman, Knighthood doth dignify and honour the Aldermanship, and not the Aldermanship Knighthood : Which being proved it must needs of necessity be granted, that the person dignified with the title of Knighthood in all right and reason ought to have place and precedency in all publick meetings and assemblies both in London and elsewhere, as he is ancient Knight, and not as he is Alderman ; except in such ceremonial assemblies as are in respect of magistracy only, as hereafter is mentioned.*

*To the KING's most excellent MAJESTY.  
The humble Petition of the Maior Knights  
and Aldermen of your honourable City and  
Chamber of LONDON.*

*Shewing ;*

**S**HEWING; that whereas it hath pleased your most excellent Majesty, of your princely favour, both at your Majesty's Coronation, and sithence, to dignify your suppliants with the degree of Knighthood, as also certain Commoners, yet keeping shops, and continuing their trades within the city: And forasmuch as some of the Knights Commoners do pretend a priority before some of your suppliants later knighted, and stand with them in contention for place and superiority in precedency at publick meetings, even in their own wards and jurisdictions, contrary to the most seemly and beautiful order of the same city:

Your suppliants humbly beseech, that your Majesty will be pleased to recommend the judicial hearing and determination of this difference unto the right honourable Lords in commission for the office of Earl Marshal of England; to the end the ancient magistracy, which is derived and held from your Majesty's supreme authority, together with their ancient customs and privileges, being rightly understood, their Lordships may take such order therein, as your Highness be no further troubled herewith, nor the settled order of the city's quiet government hereafter prejudiced nor disturbed.

*At the court at Newmarket the xii of  
March, [1607.]*

His Majesty, having a gracious respect unto the Lord Maior and Aldermen of his Highness city of London, is pleased to refer the consideration of this petition unto the Lords Commissioners for the



office of Earl Marshal of England; to the end that such order may be set down in the difference mentioned in this petition touching precedency, as shall be convenient for the preservation of the credit of such, as, under his Highness, have authority in the government of the city.

DANIEL DUN.

*The Cause, and Garter's Opinion upon the same.*

A. B. Knight and Alderman of London, and having borne the office of Sheriff of London:

And C. D. Knight, having fined for the place of an Alderman, and not having borne the office of a Sheriff:

And both Freeman and Citizens of London.

*The Question:* Whether C. D. being knighted before A. B. shall have place and precedency in London of A. B. he being a Magistrate of the city, and the other but a Knight and Freeman of London.

A. B. Knight and Alderman of London having borne the office of Sheriff shall precede C. D. Knight in London, in all publick meetings, and assemblies whatsoever, in respect of his Magistracy in the said city; for every Alderman or Sheriff holdeth the dignity of a civil magistrate in the city where he dwelleth. And the civil law saith, "*Dignitas consideratur respectu promotionis ad dignitatem.*" And again, "*Senator, id est, Aldermannus (or Sheriff) anteponendus est Senatori sive Aldermanno, si prius dignitatem officii adeptus fuit.*"

C. D. Knight, having fined for the place of an Alderman, it advanceth him nothing; for, in purchasing

chasing of his ease and liberty, he hath sold his preferment, and the prerogative of being a magistrate in the city's government. And the greatest advancement he can look for in the city, and which he cannot avoid, if he continue his trade, and will enjoy the franchises of the same, is to be Master of his Company. Example; Sir Baptift Hickes, Sir William Stone, and Sir William Her-  
rick, Knights and Freemen of London.

But C. D. Knight and Freeman of London, being in the country, and forth of the city's jurisdiction, may stand in competition with A. B. Knight and Alderman, by the priority of his Knighthood: except of Knights Barons, that is to say, of such as have been Lord Maiors of the city; for such hold the place of Knights Bachelors.

WILLIAM SEGAR,

Principal King of Arms.

*York's Answer to Mr. Garter's weak and  
erroneous opinion for precedency of the  
Lord Maior and Aldermen of London.*

A. B. Knight and Alderman of London, having borne the office of Sheriff, shall not precede C. D. Knight, in London, in all publick meetings and assemblies whatsoever; but only in such ceremonial assemblies, as are in respect of magistracy meerly; as at the solemn proceedings from the Guildhall, on the day, that the Lord Maior taketh his oath; and other judicial assemblies at courts and councils concerning the state and go-



vernment of the city at the Guildhall and elsewhere.

For howsoever every Alderman or Sheriff holdeth the dignity of a civil magistrate in times and places (especially where the execution of their office ceaseth) to stand in comparison with the dignity of Knighthood; neither in respect of the worthiness of the dignity, because it is intended, that none but truly noble and virtuous do attain unto this, in the intendment and supposition of the laws of nations and reason.

To the other the ignoble and mechanicals are ordinarily raised and promoted. Knighthood ennobleth the blood and lineage; the other dignifieth the person, only in respect of his office and during the continuance in the same. The one for time and place, the other perpetual and universal.

A Constable of a village is a civil magistrate in the village where he dwelleth, and of more antiquity than an Alderman, and of no less authority than a Sheriff; and yet will it not be denyed, but that a Knight shall take and have place and precedency of the Constable in his own town.

If Knighthood had not been a dignity of more renown than an Aldermanship, the Kings of England would not have conferred the same as an augmentation of honour, and a degree, unto some of the Aldermen's predecessors. And therefore I will conclude this with that text of civil law, by Mr. Garter cited, that "*Dignitas consideratur respectu promotionis ad dignitatem.*" And again, "*Senator, id est, aldermannus (or Sheriff) anteponeendus est Senatori sive Aldermanno, si prius dignitatem officij adeptus fuit,*" but not *militi*.

For his second reason, if it were admitted true, (as it is not) would serve nothing to prove the matter

matter in question; but where he affirmeth, that "C. D. Knight and Freeman of London, being in the country, and forth of the city's jurisdiction, may stand in competition with A. B. Knight and Alderman, by the priority of his Knighthood, except of Knights Barons, that is (saith he) such as have been Lord Maiors of the city; for such hold the place of Knights Lieutenants, and have precedency of all Bachelor Knights:"

In the former part of this his position I do consent with him; but in the latter I do further affirm, that C. D. Knight and Freeman of London, shall in all ordinary places and assemblies (except ceremonial and juridical assemblies of magistracy as aforesaid) stand in competition and precede all Bachelor Knights of more puny dubbing (not having any office of more eminency at the time of such competition :) for "*dignitas quo antiquior eo clarior.*"

And for his distinction of Knights *Titles newly coined by Mr. Garter.* Barons and Knights Lieutenants from Knights Bachelors, it savoureth of novelty, and hath not any warrant of ancient listing or ranking in the degrees of honour to uphold either the name or kind.

I must confess, that the Maiors of London during the year of their Maioralties have their funerals adorned with some symbols [and] atchievements of Baron-like degree; but dying out of their Maioralties those ceremonies are denied to them as improper. For the dignity of office dyeth with the person, and is confined to the place and time in which the same may be executed.

But the dignity of Knighthood passeth in the person, and transfuseth honour to the blood and posterity



posterity after death; and therefore of more worthiness, honour and eminence. And therefore C. D. Knight and Freeman of London, having the seniority or priority of Knighthood, ought of right in London and in all other places (except before excepted) to have place and precedency of A. B. Knight and Alderman of London. And thus much I have thought good very briefly to set down, to advertise Mr. Garter of his error in giving his opinion so rashly for the Aldermen of London, against the Knights Bachelors for place and precedency: And now will come to shew the title dignity and privilege of a Knight Bachelor.

*The Title, Dignity and Privilege of a Bachelor Knight.*

Knighthood is one of the highest degrees of honour; and the antiquity thereof is derived from the first original of discipline in war; being the first honour that was ever given to worthy persons, not to such as were only courageous, and hardy, and had borne office in the field, but upon such as were found grave in counsel, present on the sudden, courageous in the field, invincible in perils, provident in danger, and able by their own understanding and experience to lead an army against the most perilous enemy, that should offer to invade the state.

Pompeius the great, after his many and wonderful victories, and after he had taken Ferbas the King in battle, and been divers times General in the field, and triumphed most like an Emperour, did not hold himself rightly honoured, before such time as he had received the order of Knighthood.

And

And therefore, when the Censors sate upon the tribunal seat, he desired it. And there (saith mine author) "*Insignia bujus illi deferebantur.*" Such was the account of Knighthood in former times, that Emperours, Kings, and great Princes, took the same, as an addition of honour to themselves.

Arthur, King of *Great Britain*, erected his *Round Table* at Winchester, and to honour his champions of his host dubbed 140 of them in one day; and under that title did the Christians war upon the Infidels for maintenance of the Gospel.

The Knights of *Jerusalem* were also honoured with that title by Godfrey of *Bulleine*. And in later times great Kings and Princes, to garnish their kingdoms, and to honour their nobility, could not endeavour any higher or more excellent name of honour than Knighthood: Which had it not been more in estimation and worth than the rest they would have devised some other. And had it been less than any other, themselves would never have undertaken it, and become of the same order, as did many great and noble Kings. And namely our King Edward the third of famous memory, who erected the most ancient and honourable order of the *Garter* here in *England*: They of *France* *St. Michael*; they of *Burgundy* the *Golden Fleece*; and they of *Savoy* the *Annunciation*; all by the name of Knights. And I know no honourable person will deny, but that Knighthood hath great excellency amongst all other titles of honour. For otherwise so many great Princes would never have taken that honour in their own persons, as an augmentation to their monarchical excellency. For if they had been made Dukes, Marquisses, Earls, or Barons it would have detracted from them, because all those titles were in themselves.

The



The name of the Duke, General, Lieutenant or Captain was never so glorious in any person that had them. Neither were the title of honour tyed or continued to any, longer than in the present service, or during their commissions; only this of Knighthood is perpetual to Knights, who in all foreign countries have ever place and precedence according as they are ancient Knights; which privilege is denied to Noblemen; for be they never so ancient in their own countries (in foreign countries) they shall go and have place as puisne. Neither is the honour of the greatest Emperour, King or Prince in the world any way impaired by the receiving of Knighthood; but the meanest Knight that is, shall dignify and honour the greatest Emperour or King in the world by knighting them; such is the preheminance of Knights.

At the Coronations of Kings and Queens, Knights of the *Bath* are made of men of worth and honourable blood, to the end that their Majesties may be accompanied in their own honours. Every of which Knights having two Gentlemen to attend them in that ceremony of Bathing are ever after thereby enabled to be Esquires.

The privilege of Knights are many and great; amongst which, if one under age be made Knight, he is presently thereby freed of the Wardship of his body. Because it is then supposed that he is of age and able to do Knights Service in his own person, which before was to be done by his Guardian; which privilege is denied to all Noblemen. For if any of them, being under age, be created a Duke, Earl, or Baron, he shall notwithstanding be Ward still. Again if a Villein be made a Knight he is thereby immediately enfranchised and made free. And if a Ribald, or man of base birth

birth and condition, had stricken a Knight, he should by the ancient laws have lost his hand, wherewith he offended.

And the ancient laws had such respect to that degree, that Knights, nor their eldest sons, were not compelled, for the great trust the law repositeth in them, to find pledges in views of Frank-pledge and Law-days.

Thirning, Chief Justice of the Common Pleas, saith, that if any action be brought against a Knight, not naming him Knight, the action doth abate: because (saith he) the word Knight is a word of dignity. And Pristote, a very famous judge, saith, that if any Esquire be made a Knight he looseth the name of Esquire: but if a Knight be made a Duke, Earl, or Baron, he shall still hold and retain the name and title of Knight during life.

In the great charter of restitution and confirmation of the ancient customs and liberties of England it is ordained, that Assises of *Noveile disseisin* and *Mort d'auncester* should not be taken any where, but within the counties where they happen, by the Justice of Assise, and by Knights of the Shire.

Also in the statute made at Carlile it was ordained, and enacted, for acknowledgement for fines, to be levied of lands between party and party; (a matter of great importance) if any [of] the parties could not appear in court, that one of the Judges, with a Knight of the Shire, should go to the party, and take his acknowledgement and certify the same.

And in the statute 24 Hen. VIII. c. 13. it is there generally prohibited, that no man under the degree of a Knight should wear a Collar of S S S.



## 106 *Of the Title and Privilege of a Knt.*

Lastly, there is an old ordinance concerning matters of Tournaments, in which noble exercises Knights were ever associates and companions with Earls and Barons, and one law made for them both. So well were Knights reckoned of in those days that they were ever joined with the greatest Nobles of the kingdom. And so much in brief of Knights and Knighthood. Now will I descend and come to the name, and office, and authority of an Alderman of London, and the antiquity thereof.

### *Of the Name, Office and Authority of an Alderman of London.*

First, it is manifest, that the chief magistrate or governour of the city of London, in the time of the Norman conquest, was a Portgrave or Reve, (which is to say) a Bailiff or Rentgatherer of a Town, and his assistances Burgessees. For in King Hen. I. time, I find Aubrey de Vere to be Portgrave of London, and Robert Parr Provost.

In King Richard the first his time the citizens of London were governed by two Bailiffs, which did rent the fee farm of London of the King at 300 l. per annum, which rent is yet continued and paid into the exchequer by the citizens of London to this day. And in the same King's reign it was granted, that the citizens of London should have a Maior to be their chief governour, but to be chosen by the King and removed at his pleasure.

King John ordained first the Aldermen of London. And King Edward the third made them Justices of peace in their several wards, and to be changed every year: for this I find in the record  
in

in the year 1265: the Maior and Aldermen of London were committed to prison for their evil government. And the Lieutenant of the Tower made Custos of the same city.

And in the last year of King Edward III, 1376, I find also set down, that the Maior and Aldermen of London were deposed for their misgovernment. And here is the first beginning of the Maiors and Aldermen of London.

King Richard the second knighted William Walworth Maior of London for arresting of Watt Tyler the Traytor. And King Edward the fourth knighted John Stockton Maior of London and divers Aldermen for their good service against the Rebel the Bastard Falconbridge. And these were the first of this tribe that ever I find to be knighted. For the Maiors of London before this time were not usually knighted.

By which you may perceive, that the dignity of Knighthood was first bestowed upon the Maiors and Aldermen of London as a reward for special service by them, to honour themselves in their lives, and after their death that it might descend (for a remembrance) to their issue and posterity. For the eldest issue male of a Knight is for ever after an Esquire, otherwise the King knighted the Maior in vain. For every Maior during his office of Maior is the King's Lieutenant in London, above all the Nobility and great Counsellors of estate whatsoever.

This being granted, and that an Alderman, by virtue of his office, is but a petty Justice of Peace, during pleasure, in his own Ward (for more he is not) how can it then be said, that the office of an ordinary Alderman or Justice of Peace (which giveth to the party possessing the same but the



bare title of an Esquire) can give any augmentation of honour or dignity to Knighthood. Which if it cannot, as there is no question to be made that it doth, it must of necessity be granted, that Knighthood doth adorn and give honour and credit to the Aldermanship, and not the Aldermanship to Knighthood.

Dignities or honours are of themselves, the first personal, or by reason of the person: the second by reason of tenure: And the third by office. Of which three, personal dignities are only dignities of nobility, universality, and permanency, honouring the blood and lineage, the other but temporal and local, confined to time and place, and therefore not so worthy.

The children and wives of Dukes, Marquisses, Earls, Barons, and secular Knights, partake of their honours in the life time of their parents and husbands, and their eldest sons after their deaths succeed them in their titles of honour and nobility: Which is also afterward derived unto their lineage and posterity. But the children and wives of great Officers, as Lord Chancellor, Lord Treasurer, and Privy Seal, Lord Bishops, Ambassadors, Lieutenants, Presidents and such like, receive no place or respect of nobility by their parents or husbands in their life time, neither after their death doth any descend upon them by reason thereof.

The great Officers of state and magistracy as the Judges, Bishops, and such like, are called Lords, but they have not the name *ratione nobilitatis*, but *ratione officii*; and therefore shall not they, when they offend, be tried by Lords of nobility, nor have the privilege of nobility, as to speak upon their honours without oath, and such like.

Officers, by reason of tenure, whereof some are also

also officers of magistracy: For that the one sort are hereditary, descendible to the heirs and progeny; the others but arbitrary, removeable, and not descendible. Yet is it evident, that officers by tenure as the High Constable, Earl Marshal and the King's Champion, and such like great and honourable offices, gave no preheminance of honour, but only during the time of performing the office, until the statute of 31 Hen. VIII gave place to some of these great officers: which before they had not, but according to the ancienty of their other dignities by birth.

A dignity by office, as a Justice of Peace, or Aldermanship, (which I hold to be a temporary promotion, and no dignity) being not only in truth, but also in all vulgar acception, an inferior degree to Knighthood, concurring in one person with the degree of Knighthood, which is the more eminent and worthy degree of honour, doth give an addition or augmentation of honour thereunto, no more than the light of a burning candle (being held in the bright sunshine) doth add any thing to the glory thereof: And therefore, in such place and time especially as the power thereof ceaseth, must give place to the light of more brightness, and permanency; but, where two or more dignities of permanent nobility concur in the same person, there peradventure it might give some increase of honour.

As virtue is the chief cause of all nobility, and hath no other seal but in the hearts of men, ordered by the Spirit of God; so that dignity or nobility, which is personal and in respect of the person of a man only, is more honourable and worthy than the dignity by reason of any castle, land, tenure



nure or office: according to that of Cicero, "*Non dominus a domo sed domus a domino honestatur.*"

And for that it hath pleased Mr. Garter, out of his small learning and study, in the behalf of the citizens of London, to give his opinion, that the Maiors of London, knighted in their maioralties, be Knights Barons, and that they are ever after to have place and precedency, as Knights Lieutenants (that is to say, faith he) above all Bachelor Knights:

I do greatly pity his weakness therein, and will impute the same for his credit sake rather to the slip of his pen, than any part of his belief. For of these two titles did I never hear nor read before. But say, that this privilege were admitted to Ambassadors, Judges, and such like, that after their offices expired they should have place of men of their own rank, it may not be allowed to inferior Magistrates as Aldermen or Justices of Peace; for they have their limited jurisdiction of magistracy confined within the compass of their own walls and divisions; the other are general magistrates throughout the realm; whose power extendeth at least to the uttermost confines of the kingdom and commonwealth: And having the publique justice and honour of the whole state committed unto them, do more meritoriously draw from thence some more respect of honour, according to the greatness and generality of their administrations and employments, which an inferiour and more confined magistrate cannot have.

And as in every commonwealth there is a necessity of a gowned magistrate, and that the dignity thereof should be maintained, the degrees of honour and armed Knighthood, of which not only the common laws of this land hath especial use for  
the

the execution of law and justice, but in these doth the practise part of the fortitude and the forces of the kingdom principally consist. For as it is in the register<sup>a</sup>, "*Eo magis regale attollitur solum et regni regimen roboratur, quo plures regi subsunt nobilis status et eminentiæ celsioris.*" And in the same place they are called, "*Decus principum regni securius stabitur.*" The scepter is with the better security established.

In ancient time I find great care and respect in the assigning and giving of arms, and ensigns of honour to martial men of mean birth and lineage, than is in these our times. For had any attained any office of magistracy in the commonwealth, they were not by and by allowed the tokens and marks of military men (as now they are;) it was denied to use or bear in shield or seal any beast of strength or courage, as things improper to them. And therefore did that worthy and wise counsellor of state, Grymbald Panffote Chancellor of England, being descended of a very ancient and worthy family, bearing arms, in regard that he exercised an office (and not professing himself a martial man) forbear to use his ancient arms (gules, three lions rampant argent) as the fashion and usage of those times amongst martial men was. But instead thereof sealed with his own picture, standing in a gown with a hawk on his fist. Shewing thereby, that it was not fitting for civil magistrates to imitate military men in matters of honour and arms. And that this was not done only by him alone, without good advice and consideration, Ranulph, Earl of Chester, bearing for his arms three wheat sheaves, when he went into the holy land to war against

<sup>a</sup> Reg. vet. fol. 186.



the Infidels, changed the same for a lion rampant.

And the Lord Seagrave, serving King Edward the first in his wars, at the siege of Cairlaverock in Scotland, bearing for his ancient arms fables three garbes argent, changed the same likewise, and assumed instead thereof fables, a lion rampant argent crowned, - - - -, as an ensign more fearful to the enemy, and proper to himself, being a military man.

Such respect was there in former times between martial men and gowned magistrate, that the mechanical did not, neither durst they, ever fashion themselves to imitate military men.

Bartholle, being a great lawyer and a counsellor of state to Charles the fourth Emperour, having not been trained up in military discipline, did forbear at the first to accept the said emperours gift of arms, when they were offered him, because he accompted them things improper to his calling and profession: whom I wish the civil magistrate should take example by. For then it were to be hoped, that they would content themselves with such place and arms as were fitting men of their birth and professions.

I will now come to the material point whereon the citizens of London do most rely, (which is) that in ancient time they were known and called by the name and title of Barons: which name and title I do verily think as yet they neither know nor understand. For the true appellation of a Baron is to be taken, as to us it is most pregnant, and according to the rule and general understanding of our age; and are specially named either of their own surname, or else of some local place. Which title, since the time of King Edward the third,  
importeth

only a name of dignity and honour, and doth note unto us such as be honourable Lords, by descent from their ancestors, or made by writ and summons to the parliament, or creation by letters patent, who by the King's summons to the parliament have had place and voice there as piers and strong rocks in the commonwealth. In the time of the Normans, and before, amongst the Saxons, there were two sorts of Barons, hereditary, or by reason of their tenure called in Latin "*Thani sive Barones majores*," and "*Thani Barones inferiores*:" the latter of those two were such as held land amounting to a Knights fee or more of my Lord of - - - an honour or signiory, and they were called Barons only of that honour or signiory, and had for the most part within themselves these franchises of *sac soc thol thean and infang-these*.

The *Thani* or *Barones majores* were Lords of a great power and reverence, whose Baronies consisted of xiii knights fees and a half, held of an entire signiory of the King in chief by grand Serjeantry and Barony; and had divers Knights which held of them. These I say had greater immunities and privileges than the *Barones inferiores*, whom by reason of their greatness and power the King did usually call to his great council of state and parliament: And not every one, as some great writers have lately affirmed, that had thirteen Knights fees scatteringly, one here and another there.

There were also some Judges and principal Ministers of Justice and of the King's laws, and the chiefest and richest Burgeses, and inhabitants of divers great cities, and boroughs: whereof some still to this day do retain that title; as the Judges of the King's court of Exchequer, and the Barons of the Cinque Ports. And yet were not any of



them ever Barons of the parliament or peers of the realm.

And therefore, that the citizens of London are, or ever were, Barons, I utterly deny them; the better part of them being never other than Knights; and the rest Burgeffes or Aldermen. And more than that cannot any of them assume to themselves, excepting the Lord Maior, who, during his Maioralty, being the King's Lieutenant in London, hath place and precedency as before is set down.

And so much in brief to disprove the Citizens of London to be either Barons or Knights Lieutenants.

Now will I conclude with an answer of the citizens ancient journals and repertories of the city of London: wherein they say it is registred that Aldermen Knights took place, and had precedency, according to their seniority being Aldermen, and not as they were Knights. Wherein I hope I shall give them such satisfaction as ever hereafter they will be satisfied with such place and precedency as is well befitting men of their qualities and profession.

And for proof thereof I will first use the precedents of divers solemn proceedings by authority with very great judgement and advice ordered and decreed; wherein I find that Bachelor (or secular) Knights have preceded in better and more honourable place than Aldermen of London, as namely in that proceeding of King Henry the eighth to meet the Lady Jane of Cleve at Blackheath in the year 1539.

The like do I find in the proceeding to the coronation of the most famous and worthy Queen Elizabeth in the year 1559. As also in that famous and

and triumphant proceeding from Somerset house to St. Paul's church in London, in anno 31. of her Majesty's reign: wherein I do especially note, that notwithstanding it was within the city of London all Bachelor Knights had place and precedency before and above the Aldermen of London. And in the same proceeding, as in many others, the Lord Maior himself went but in the place of a Gentleman Usher (that is to say) on the left hand of Garter King of Arms.

And if this will not be sufficient for the Aldermen to know themselves and places, let them turn over and search their own records and commissions for the goal delivery in London and Middlesex, in the custody of Sebrick, Town Clerk of London, and they shall find one bearing date 34 of Queen Elizabeth; wherein is set down first Sir William Rowe then Maior, with divers others great Counsellors of state and Judges: after whom is placed Sir Michael Blunt, Lieutenant of the tower, then Sir Owen Hopton, Sir William More, and Sir Edward Hobby, which last three, being only Bachelor Knights, had place and precedency before Sir Richard Martin, Sir John Hart, and Sir William Webb, they being puisne Knights, and late Lord Maiors of London.

The like commission you shall find bearing date 42 of Queen Elizabeth, where next to Sir Nicholas Moseley, then Maior, is set and placed Sir John Payton Lieutenant of the Tower: and after, Sir Robert Wrothe a Bachelor Knight, before Sir Richard Martin, Sir John Spencer and Sir Henry Byllingsley, the last three being puisne Knights, and late Lord Maiors of London.

Lastly, one other commission bearing date 1608, wherein you shall find Sir Henry Rowe Maior, &c.



then Sir William Wade, Lieutenant of the Tower, next to him Sir Francis Darcy, a Bachelor Knight, placed before Sir John Spencer Knight, and late Lord Maior of London; and after him Sir Anthony Ashley, a Bachelor Knight, before Sir Stephen Slany, Sir Stephen Some, Sir William Rither, and Sir John Garrett, which last four were puisne Knights, and late Lord Maiors of London.

And now a word or two of that masked word Knights Commoners, never heard of before, which I hold to be but an idle title thrust out only to blind and deceive the ignorant, aiming not one but hitting all. For put the case, that the King maketh this day a Bondman Knight, and to morrow the Bondman's Master, shall not the Bondman first knighted take and have place of his Master? There is none of any judgement that will gainsay the same: for Knighthood, as before is said, is of that excellency as it carrieth with it its virtue, wheresoever it goeth, without respect of persons.

Sir Richard Martin, and Sir Thomas Pullifon are ancient Knights, and have been both Lord Maiors of London, and yet now no Aldermen; shall these now, I pray you, be called Knights Commoners, because they be Freemen of London, and dwell in London? or shall they lose their preheminance of ancient Knights by reason thereof, and give place to the now Aldermen of puisnier dubbing, being far inferiour to them for good service in the commonwealth? No: God forbid: for that would be very offensive both to God and man.

Thus have you had (gentle reader) proved both by divers examples, authentique and solemn proceedings of Kings and Queens at their triumphs and solemn coronations, as also by fundry commif-  
fions,

sions, warranted under the great seal of England, that Bachelor Knights, having had the priority or seniority of dubbing, have been both named and placed before Aldermen, which have been also Knights and Lord Maiors of London, being of more puiſne making.

Per RA: BROOKE, York Herald, 1611.

*Extract from Stow's Survey of London,  
by Strype, Sixth Edition, 11 Vol. p. 487.*

"Sir *Baptist Hickes* and Sir [*William*] *Herrick*, Knights Commoners, maintained this chargeable ſuit againſt the whole court of Aldermen, till, at laſt, after divers years, they let the buſineſs fall; and the Lord's Commiſſioners of the Earl Marſhal's court, the court of Aldermen ſtill perſiſting in the ſuit, made this decree, that the Knights Aldermen ſhould have precedence in the city; and theſe are the very words of the order, as it was tranſcribed out of the heralds books, and humanely communicated to me by Sir *Henry St. George*, Knt. *Garter*."

"*At a Marſhal's Court bolden at White-  
hall, on Wednesday morning, the 19th  
of February, 1611.*"

WHEREAS upon the humble petition of the Maior, Knights, and Aldermen of the city of *London*, exhibited to the King's moſt excellent Maieſty, complaining, that divers Citizens and  
Commoners,



Commoners, of the said city, being knighted, did challenge precedency of place before the Aldermen, at publick meetings within the city; it pleased his Majesty, for the upholding of the ancient and seemly orders of the said city, to refer the consideration of that difference unto the said Lords Commissioners; to the end such order might be set down, as might stand with the preservation of the credit and reputation of such as, under his Highness, had authority in the government of the said city; and whereas the said Lords Commissioners having prefixed and appointed two several days to both parties, for the hearing and ending of the said difference, at both which days the said Knights Commoners made default; their Lordships did thereupon appoint the 19th day of November then following, and now last past, to both the said parties peremptorily, to attend with their council at *Whitehall*, to receive such absolute and final determination in the cause, as to justice should appertain; and that either of the said parties failing, or making default, should be adjudged to have thereby concluded themselves, for questioning the said difference any more hereafter: forasmuch as the said Knights Commoners did then also make default, and alledged, that they would no longer stand in opposition to the premisses; their Lordships have thereupon ordered, that the said Aldermen shall have and take place and superiority, in precedency within the city, before the said Knights Commoners, which now are Freemen or Citizens of the said city, and such other Citizens or Commoners as hereafter shall be made Bachelor Knights; until we, the said Lords Commissioners, upon full hearing of the cause, and the proofs and allegations

allegations on both parts, shall see good cause to order and adjudge the contrary.

H. NORTHAMPTON. T. SUFFOLK.

L E N O X. E. WORCESTER.

N O T T I N G H A M.

N<sup>o</sup> X.

*An Apology for the late Lord Treasurer Sir*

ROBERT CECILL, *Earl of Salisbury:*

*Written by Sir WALTER COPE.*

**I***L di loda la sera.* It was an impreza of a great Secretary of this State, and may be well now applied unto a greater than himself; the night praiseth the day; the death the life; the end the action. But what availeth it the day to be never so clear, if the night come, and wrap up all the beauties in darkness and confusion? The late honourable Lord Treasurer for wisdom, and integrity exceeded the most, or all, that went before him: whom living the world observed with all admiration, and applause; no sooner dead, but it seeketh presently to suppress his excellent parts, and load his memory with all imputations of corruption. If he had lived, he would have answered for me; which maketh me (the meanest of many) to take the boldness to answer for him, that cannot answer for himself. I held it base to flatter him



him in his life : I will not now begin to flatter him in his grave. To offer such incense to the dead, I account the basest kind of sacrifice. What he was, what he did, what he deserved, I will shortly deliver.

He was by nature mild, courteous, and affable : and if tired with affairs, or impatient of idle motions, or impertinent answers, he had been moved to make a slower reply, he was in this like his father, ever proud of opportunity to give unto the meanest due satisfaction. In his wisdom, he was able to distinguish between truth and falsehood ; his eyes could pierce through the mists, and veils of the darkest causes ; quick of concept, easy of delivery, so full of providence, and industry, as he never suffered occasion to turn her back. He was plentiful in alms, charity, and good works ; full of honour, and honest to his friends, and no malicious persecutor of his enemies. He loved justice as his life, and the laws as his inheritance. He loved equity, as the true umpire between them both, as moderatrix of extremes. The heart of man was never more free from baseness, or bribes : he hated the bribe, and the taker. He was one of those, of whom King *David* speaketh, "*Qui munera super innocentem non accepit.*" So clear his hands were from those base corruptions, that I supposed rumor, and report would have been afraid once to have raised such slanders on him.

But what do I complain of rumor, and report ? which, being but the breath of unconstant people, daily varieth, and ever speaketh of extremes. One day it crieth *Hosanna*, another day *Crucifige* : of whom it is truly said, "*Honesta vix creduntur ; tristia facile sparguntur in vulgus.*" Imaginations  
with

with them go current for truths; whereby it often falleth out, as at this present, that the actions of the justest men are worst reported. Such are the fruits of envy, being a moth, and canker of the mind. The Cantharides ever have, and will crop the fairest flowers; and some dogs will bark against the fairest moon. If by the law of *Moses*, "curst were he, which struck his neighbour secretly:" what shall we say of them, which wound them departed in the grave, and seek to murder the good report of the living and the dead? But what glory is it to wrestle with shadows, that cannot answer for themselves? How easily may the simplest sheep leap the dead lion? And how inhuman a thing is it to rake into the sepulchers of the departed? What found *Darius* when he broke open the tomb of *Semiramis* the Queen, expecting according to the inscription to have found there great store of treasure? Instead of riches he found this reproof; "O thou unsatiable and unworthy wretch! That thou out of a covetous humour seekest to violate the houses of the dead, and so interrupt their quiet possessions."

If this Lord's tomb could speak, it would assure us, there were no gain to be gotten by defacing the monument of so worthy a Minister. As it lieth not in the power of present greatness to suppress the memory of our faults in the age ensuing; no more lieth it in the power of envy, or malice to detract from those honours, which by virtuous merits are ascribed to worthy men. True honour will ever root, where false glories fade like flowers; "*Si vitæ socia virtus, mortis comes gloria.*" And the more we seek to suppress true honour, the more it will spread like a palm, Time, the surest witness,

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witness, and wisest counsellor, will easily discover, what we have been.

But what are the greatest imputations,  
 Obj. that this unthankful time doth lay upon this noble Lord? First, that he undertook three great offices, and in a general distraction left them all ill executed.

That it may appear, he was no unprofitable Officer in any of his places; how he found them, how he left them; myself being trained up 38 years under him, and his father, can best deliver.

I. And first touching the *Treasurership*. His Lordship found the Exchequer a chaos of confusion. He found the debts thereof 3, or 400,000 l; but which were good, which were bad, which separate, which desperate, no man knew. These he commended to the examination, and report of some commissioners of trust; upon whose answers his Lordship kept this decorum; he sent letters to the noblemen, and process to the inferior persons; by means whereof he hath reduced these things to some better knowledge, though far from perfection.

1. Concerning the *Lands*. Concerning your Majesty's Manors, and fairest possessions, he found most of them unsurveyed, and uncertain; and those that were surveyed he found lightly done, rather by report, than by measure. So as little more thereof was known than the antient rents; and the estates thereof granted rather by chance, than upon knowledge. Upon farther surveys thereof he bestowed much money, and hath brought them to some better pass, but not to perfection.

2. *Custody Lands*, anciently termed the *Crown Lands*, answered in the *Pipe*. These he found more uncertain

uncertain than the rest, much charged upon the Sheriffs, yearly discharged by annual pensions: A revenue, which seemeth decayed by descent of time, and worn out of all knowledge, and remembrance; but by his Lordship's care many of these have been lately revived by your Majesty's Commission of *Affarts*.

3. Concerning the *Woods*. For your Majesty's Woods, he found these more uncertain than the rest: for of the Coppices, no man knew the number of acres, the growth, or the true value. For the timber trees, no man knew of them, either the number, or the worth; so as his Lordship at his first looking into them, thought himself in a wood indeed. He found anciently in the leasing of the Coppices *Null. fine, quia Bosc.* And as for the timber, he found it wasted in many places without controlment, because there was no record kept thereof. They are now numbered, valued, and marked; so as a reasonable officer may call in question easily what shall be missing, and readily present the account thereof.

4. *Copyholders for Lives*. For the Copyhold lands, where the arbitrary fines, assessed by the discretion of the stewards, did seldom yield unto your Majesty the Parson's part, and that also vanished away in fees, and charges; your Majesty is by his Lordship's care, and diligence, now like to raise of these natives the true value, and to receive equal benefit with the rest of your subjects, if the imprinted book be observed.

5. *Copyholders of Inheritance*. And for the Copyholders of Inheritance, who by many records prove their fines certain; by his Lordships like industry, they offer for their freedom 20, 30, 40, and 50



years purchase, where they shew us probable records without fine to free themselves.

6. *Wastes, and Commons.* A tender title, full of murmuring, and commotions. Of these natures he never durst offer to inclose, nor to urge the tenants to any forcible compositions: But underhand set some to advise the tenants to become suitors themselves; with whom we have compounded for part, and made a good precedent for the rest.

7. *Casual Fines.* Casual fines are due unto your Majesty out of your private possessions and out of publique offences: Out of private possessions, as other Lords have by their Court Leets, and Court Barons, and such like: Out of publique offences, as a parent of the commonwealth, unto whom belodgeth *et præmia, et pœna*. These being matters left for your bounty, his Lordship meant to have commended them also unto some special Commissioners, by whose industry a better revenue might have been raised, being now utterly neglected, and almost lost.

8. *Extended Lands.* For the extended lands, where ill officers became indebted to the crown, and made an art to have their lands extended at easy rates, his Lordship caused most of these possessions to be surveyed; commended the improvement thereof to particular Commissioners, and commanded the tenants by his letters to appear before them. In the which myself can witness, they have been careful to do their utmost endeavours. To the which I may add the services he did abroad; as the improvement of the Customs advanced from 86,000l, to 120,000l; and from 120,000l, to 125,000l.

9. *Alum.* Also the bargain of Alum: which ought

ought not to be so abated, as the fall, and complaint of the farmers seem to expostulate. For I presume I shall be able to prove, they are neither decayed by the bargain, nor by any payments made to your Majesty.

10. *Baronets.* His project for the Baronets, which hath brought into your Majesty's coffers 80,000 l., is like to supply the rest; if some petty privileges were allowed, that shall be acceptable unto themselves.

11. *Waterworks from London.* The bargain for the bringing water to the driest places of London is likely (if it prosper) to bring unto your Majesty a great yearly revenue.

12. *Industry and Manufactures.* Besides, he was a great patron of all industry, and manufactures, of new projects and inventions. As for home-making of Alum; of Busses for fishing; Coppers, and Copperhalls of iron, of steel; Salt by the sun; Salt upon salt, and new furnaces, and fires for the easy workmanship thereof, that the native subject might be set on work, and the small treasure of the kingdom kept at home: for the increase whereof what care he took your Majesty best knows.

By these your Majesty may see, he was no unprofitable servant in his place; that his improvements were no oppressions, but good husbandry, and no more than every private subject hath one from another. And that it is more just for you to levy upon your tenants, and upon your own, than upon your subjects purse, who in all subsidies, and taxes yield your Majesty as much as your particular tenants, although they receive no profit by being your Majesty's farmers.

II. *Concerning the Secretary's place.* What intelligence



gence he had from all parts of the world, what correspondence he kept with all Embassadors, and foreign States, and at how easy a rate maintained the current of all your letters and affairs, if your Majesty were truly informed, you should find in this title established a great providence. And in this his place, unto how great a reputation he had raised your services, and how confident all parts grew out of the long experience of his just consideration; the *United Provinces* especially (whose friendship most concerneth your Majesty) your own Embassadors and your Ministers abroad can best deliver. Besides what by his Treasurer's and Secretary's place, he did in *Ireland*, in the plantation of the country, and transplantation of the people; what in advancing your customs, and abating the charges, and the garrisons; and how industrious he was to settle an universal course of law, and justice in the most barbarous, and remote places of that most unfortunate kingdom, they that know the country can best witness.

III. *Concerning the Wards.* By the constitutions of this state all the lands in the kingdom are holden by two tenures; by foccage, or by knight's-service; by the plough to feed us, or by the sword to defend us. And whoso died, leaving an heir within age, unable to do service, his heir, and lands, both fall into the protection of the King. And this in ancient time was promiscuously carried in Chancery, until the 32d year of King Hen. VIII, when the Court of Wards was first erected, and a Master and Council appointed by Parliament to govern the same. Since which erection, the Masters have accustomed by the favour of the Kings of this realm (as a bounty of state) to grant unto noblemen, the King's servants, and their own followers,

followers, both a marriage of the body, and the lease of their lands for a third penny of the worth. But your late humble servant deceased, finding your estate daily falling more and more into a retrograde consumption; supposing this bounty at this time more properly to appertain unto your Majesty than any others; hath in all humility, and duty, laid down his Patents at your Majesty's feet, and hath endeavoured to advance the whole benefit thereof unto your Majesty's best profit; presuming it would have yielded to your Majesty treble as much as before: grounding his judgement upon this probability; that all offices were found scarcely at the tenth part of the true values; after which rate they were wont to pay three years fine: And therefore concluded, that if they paid thrice as much now as before, they should not exceed the rate of one year's true value; which was a proportion honourable for your Majesty, and favourable for the subject. But his experience shewed him, that this fell not out according to his expectation: which he partly ascribed unto two causes in the printed book: The one was; there was a liberty of a month's preemption allowed to the friends: The other; that whosoever dealt for a Wardship, during the first year should pay the utmost value: Which two causes he supposed did make a general nonsuit in the publique suitor. Besides, that many lingered their time, and smothered their tenures, in hopes of a parliament and a general dissolution of the Court. The remedies whereof he meant to have studied at his return: whereby your Majesty may see, he was neither careless, nor idle in any of these three offices.

*Some*



*Some objections answered.*

I humbly now crave leave to answer some objections, which the world (not knowing the true price of faith, and good fame) hath basely, and uncharitably laid upon him concerning his three offices.

1. And first for the *ingrossing of offices*. Unto which I make this answer; that he had more, than in my own thoughts I ever wished unto him, or in his own heart himself desired. The last of them, and the worst, he undertook rather by importunity of friends, than out of his own affection. But as he had lately passed away the Wards, and left himself only the Mastership in name; so meant he, with your Majesty's favour, to have freed himself also of the Secretaryship of State, if he had lived but three months longer.

2. *The Lord Treasurer the author of all our miseries*. And where this suspicious age, which judgeth all things by the outside, and not by the true examination of outward causes, seeing a part of your Lands, your Woods, your Mills, your Rectories, and Chauntries, sold, imposition set upon some of your custom goods, and many other projects for the raising of monies, as the Baronets, and such like, and yet your Majesty resteth greatly indebted, without just means of supply, or support; they conclude presently all these miseries to grow by the improvidence of the Treasurer: never remembering, in what state you were, when he received the White Staff, which he found charged with a debt of 600,000 l, and arrerages of 160,000 l. per annum; which to support was more than he could do with all his industry, and all his skill.

3. *The Sale of Mills and Chantries*. He then,  
(after

(after the fairest possessions were by annexation settled in the Crown) sought to sell some of the meaner natures, for payment of the debts, and discharge of the arrerages : of the which the Mills were one ; which cost you more in timber for their yearly repairs, than they were worth in yearly rent. The Chantry lands annexed, which lay so dispersed, and were of such petty rents, as it cost your Majesty near a third part to gather the rest. So as in the sale of these natures, envy itself can find no great fault.

4. *The Sale of Leases.* It is then objected as an ill part of husbandry, that his Lordship made Leases, first for 60 years, and afterwards sold away the inheritance. But I presume, if both the sums be cast up together, the bargain will not appear unprofitable. Neither do they understand the contract aright, that think in all the leases new estates were granted for 60 years : for in most of them there were 20, 30, 40 years in being ; which were made up by surrender, and not by new grant.

5. *The Sale of Timber Trees.* And where some ignorant persons exclaim of the late Sale of Timber trees, as if a general waste of the kingdom had been made thereby : It may please your Majesty to be remembered, that both by your warrant, and his direction there was no more to be sold, but two in the hundred ; and those such also as bare some visible mark of decay ; for the which 40,000 l. came into your Majesty's coffers, which in short time according to the custom would have fallen to the Keepers, and Foresters for their fees. Neither were these taken before the officers of the Admiralty had marked out whatsoever they found fit for the Navy. Neither were they sold by any private authority, but by the surveyors, and two



Justices of Peace, with the best cautions, and instructions that could be devised. And more he could not do: he trusted men, he sent not Angels of the errand.

6. *The Sale of the Lands.* For the sale of your Majesty's lands; some object, they were sold ignorantly; some, that they were sold corruptly. Myself was a partner in one of the Contracts; and since this slander I have sought to inform myself of the probability of the gains, or losses, like to arise unto the rest. And I protest before God, and your Majesty, of the four Companies of the Contractors, I think three of them will neither prove gainers, nor savers.

7. *He pilled the people to support the wastful expences of the State.* Where he is taxed to have soothed all your bounties, and voluntarily to have supplied all wastful expences of state; and to make this good hath improved your tenants, and imposed upon your subjects, to the great offence and grievance of the commonwealth: For answer hereof, I humbly appeal to your Majesty's justice, whether he hath not at all times opposed against these occasions, as far as the duty of his place, and his humble allegiance would give him leave. He knew your Majesty's affection to some of your especial servants. He knew you were on earth, as *primum mobile* in Heaven; which carrieth about with it all the Planets, and inferior motions, although they naturally affect another course. He learned two lessons under you, as well to obey, as command; and to conclude with Seneca, "*Sapiens non se mutat, sed aptat.*"

8. *He maintained his private factions by consumption of the publique treasure of the State.* To which I answer; he was flesh and blood, and might wish well

well to his friends : But he liveth not, that can shew three of those examples, nor any one uncommanded by your Majesty. For his improving upon your Tenants, it was but good husbandry, no oppression : it was to let by survey, what was let before by chance.

9. *Imposing upon the Subjects.* For the imposition upon Merchandise ; his Lordship found the debt great, the arrerages yearly irrecoverable ; and that all his industry and sales, did in your estate make but a palliate cure ; found the moneys due by Parliament anticipated, and assigned for payment of your debts, and no hopes by that means of any speedy supply. He was enforced to resort to this project of Impositions, propounded, but not perfected by his predecessor ; whereunto he would not assent until by many records of antiquity he found, that your predecessors, in cases of necessity, have done the like. Neither was he satisfied with any precedents, until he found the example of Queen Mary, who raised the Cloth from 14 d. to a noble, the Gascoin-Wine from 36 s. 6 d. to 4 marks : And the example of Queen Elizabeth, who raised sweet Wines from 3 s. 6 d. to 40 s. the tun ; and the Currants for every hundred 5 s. 6 d, until by after Parliaments it was otherwise resolved. Neither was he satisfied with any precedents, until he found them justified by present judgements in your Majesty's Exchequer. He then, with the assistance of Mr. Chancellor of the Exchequer, some of the Barons, and two principal Merchants of every Company, set an imposition upon such natures of merchandises, as they all supposed were best able to bear them. And in these impositions they used these cautions. They forbore to impose upon all manner of Victual ; and all matters almost incident



to the poor; upon all things concerning Ordnance, the Ships, and the Defence of the Realm: and imposed specially upon Silks, Spices, Whalebones, Lawns, Cambrick, and such like things, rather of delicacy, than of necessity; allowing free liberty to transport, what was not vented here, without charge, which he was willing the Parliament should have altered into any other nature of support; being as yet but a temporary flower of the Crown.

10. *His Falshood in Friendship.* That he often made his friends fair promises, and underhand laid rubs in the ways of their preferment. The secret passage of things I knew not. Suspicion ever lieth at the gate of great actions. And they which received the greatest favours from him, are (as I hear) the most ready to make report of him. The courts of Kings are many times the markets of words, and ceremonies; and they that live therein must sometimes *verba dare*. Besides great Counsellors have their private, and their publique ends; and their private affections do oftentimes yield to their publique judgements, and make them remoral in their friends suits. And therefore noble natures will be rather thankful for good turns received, than ungrateful, that they enjoy not all their own hearts desire.

To conclude; your Majesty, for industry, and integrity, hath lost the best servant in the world: and if my testimony seem partial, I humbly refer you to his fellow labourer, a most painful, and worthy assistant in all those affairs; who can best assure your Majesty, he never thought himself well, but when he was bringing wax or honey to the hive. He lost the love of your people only for your sake, and for your service. He devised by a  
late

late Commission to ease your hands from petitions, your ears from suits. Finding your wants, he yielded up his office; and finding he could not relieve them, he yielded up his life; which myself can best witness; unto whom in his sickness he used this speech; "Ease, and pleasure quake to hear of death; but my life full of cares, and miseries, desireth to be dissolved."

My most humble, and only suit is, that your Majesty will not suffer a servant of his desert, martyred (as it were) with the cares of your service, to be thus libeled upon, and scandalized, as he is: At the least, that your Majesty will be pleased publickly to deliver, how much you hate it in the reporters, and how much you will punish it in the authors, if they may be found: and that it is not the true way with your Majesty, for men to raise themselves by ladders of detraction.

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N<sup>o</sup> XI.

*A Relation of the Carriage of the Marriages,  
that should have been made between the  
Prince of England, and the Infanta Major,  
and also after with the younger Infanta.*

[Written by Sir CHARLES CORNWALLIS  
to the Lord DIGBY.]

SIR,

THE charge I hold, having so necessary relation, and dependency on that place, to  
which



which your wisdom, and deserts have moved his Majesty to call you; I have thought it very fit, in a matter of no less consequence, than a treaty of Marriage for the Prince's Highness with a Daughter of the King of *Spain* (because I know you shall receive the carriage thereof severally and differently related from many Princes, his Majesty's allies, and from his Majesty's publick Ministers residing abroad) to set down, truly and exactly, the original, course, and issue of the business: to the end that you, who under his Majesty are like hereafter to direct, may be fully acquainted with what formerly passed: And for that it is likely, that the manner of this treaty shall not only be given out, but censured according to the diversity of mens affections; and unto you (as to the center, where all advertisements meet) these contrarieties will come: I therefore desired to arm you with this truth; which, as I affirm unto yourself, so I am ready to justify it unto the world (if you shall have occasion, or that your wisdom shall think it fit, to make more publick use of this discourse;) the which containeth in it so much truth, that I care not what eye sees it, for that I know, no man can contradict it. I shall therefore refer it to your honour to make such use thereof, as shall best please you, either to inform others of these proceedings, or for your own private satisfaction, to which I chiefly intend it.

To set down unto your honour perfectly, as well the introduction, and beginning of this business, as the course, and issue, to which it is brought; I must crave leave to take it a little higher, than mine own time; yet dare affirm, that what I shall say therein, to contain as exactly the truth, as that which hath passed by myself; for that I have received

ceived it from his Majesty's own mouth, and often from my Lord Treasurer, and have found it acknowledged by the principal Ministers here.

Not long after the concluding of the peace betwixt his Majesty, and the King of *Spain*, there fell out many causes of expostulation betwixt them, for divers wrongs offered to his Majesty's subjects contrary to the articles of treaty; as also for the readiness, which was perceived in the King of *Spain*, to receive and favour persons ill affected to his Majesty and the state. And thereupon his Majesty was content, that it should be plainly told unto the King's Embassador residing in *England*, that he observed so strange a proceeding upon the new amity, as he had cause to suspect, that the former alienation was rather disguised, for the contriving of some future ends, than so extinguished, as he might safely build upon such a friendship.

Whereupon many arguments being used by divers of this King's Ministers in excuse of what had passed; imputing some things to the slow style of their proceeding in *Spain*, and some other to the concurrency in matter of conscience with those persons, which made their retreat into this King's dominion: and for the better expressing, and intimating of this King's clear, and sincere affections towards his Majesty, both the Conde de *Villa Mediana* in his time, and Don *Pedro de Zuniga* since, declared and protested to know so much of the King their Master's good intents unto his Majesty; as if he would be pleased (according to nature, and custom, by both which the man is to speak first) to begin a motion for a Marriage betwixt the Prince of *Wales*, and the *Infanta*, the same should be so well heard, as it should appear, that he desired not only to continue in amity, but to unite himself



himself by nearest alliance unto his Majesty. To all which, though his Majesty could not but return kind, and thankful answers in the general; yet, for many respects, it pleased his Majesty to pass over all those occasions given him by these invitations, without making any particular answer, until the time of Don *Alonzo de Velasco*, yet Leiger there; who renewing these former overtures, his Majesty could no longer have remained in silence, but he must have given just occasion to retort that opinion of coldness upon himself, for which he had formerly challenged [the King of *Spain*.]

And here I can enter to speak of the sequel of the business upon mine own knowledge.

In March, 1611, the Duke of *Savoy* sent an embassy unto his Majesty, in which he gave commission to his Ambassador to make offer of the Prince of *Piedmont* for the Lady *Elizabeth's* Grace; with insinuation likewise, how glad the Duke of *Savoy* would be, if the Prince of *Wales* would dispose himself to like of his eldest Daughter. To the first his Majesty made answer, that he would not refuse to treat thereof upon the Duke's own motion, if it were propounded singly, as it had formerly been moved by the Ambassador of *Spain*; but if it came accompanied with the condition of reciprocal marriage for the Prince, his Majesty could herein give no answer, as not being yet resolved about the bestowing of him. At the same time, that the *Spanish* Ambassador made the first overture for the Prince of *Piedmont* (for the motion thereof came from him, as so directed by the King of *Spain*, as he affirmed, and shewed in writing) he said, that in case his Majesty should be pleased to make the like overture to the King his Master for the Prince of *Wales* to match with the  
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the *Infanta*, he did assure himself, that his Majesty should receive a kind, and an honourable answer; intimating indeed, that the intent of this match with *Savoy* was to be as a forerunner of the match desired betwixt the *Prince*, and the *Infanta*; by which all difficulties in matter of religion might be facilitated, that the other might find the less stays, and hindrances, when it should come to be negotiated.

Myself, at the same time, being appointed to come as his Majesty's Leiger Ambassador into *Spain*, to supply the place which had been two years vacant, with charge to procure some better satisfaction in the Merchants busineses, than they had yet received; and being so near my departure, that I had my instructions ready drawn, and perfected, and had also taken my leave of his Majesty, thinking within very few days to have begun my journey. My Lord Treasurer, upon this new invitation of the Ambassador, sent me down to *Royston* unto his Majesty, to make him acquainted therewith: whereupon his Majesty was pleased to give me order, how to behave myself in the business, and caused particular directions to be added and adjoyned to my former instructions; wherein before there was no kind of mention for any such motion; an evident argument, that the overtures of the Ambassador, and the assurance he gave his Majesty, that the proposition should have all kind acceptance, were the only motives which caused his Majesty to propound this match; this being the very true form, in which this business was by the Ambassador revived, and by which his Majesty and this King have proceeded.

At my arrival here in *Spain*, having procured audience of this King, after I had presented unto



him his Majesty's kind and affectionate salutations, with all princely offers of love, and his friendship, I gave particular notice unto him of the overture made by Don *Alonzo* his Ambassador; and in his Majesty's name gave him thanks, for yielding so clear, and apparent a testimony of his affection. And then I declared the extraordinary value and estimation his Majesty made of the person, and fortune of the *Infanta* in every respect; and that to shew his willingness to maintain the amity, and increase the alliance betwixt them, he was willing to lay hold on that which his Ambassador had intimated unto him; and therefore had given me instructions to propound a Marriage unto him for the Prince of *Wales*, his Majesty's Son, and Heir, with the *Infanta*, his eldest Daughter.

The King hereunto made answer, that these testimonies of his Majesty's love were very acceptable to him; and told me, concerning this business, the Duke of *Lerma* should have orders to treat with me.

Within two or three days the Duke of *Lerma* came home unto me, to my house; to whom, when I had signified, how grateful it was to his Majesty to understand of his good inclination towards him, and his estate, I declared as much unto him as formerly I did unto the King; and told him, that herein the King had referred me to negotiate, and treat with himself. The Duke then began, with a great deal of protestation, to declare, how much he desired as great a strictness, and nearness of amity and alliance, as might be, between the Crowns of *England*, and *Spain*; and that, by this means, this proposition had been divers times handled, both by the Conde de *Villa Mediana*, and since by Don *Pedro de Zuniga*, as  
also

also by Don *Alonzo* now Resident in *England*; and that he well knew, of how great consequence it were both for the good of *Spain*, and of *England*, to be so nearly, and firmly united. One thing there was, which he apprehended as the greatest and only difficulty, which was, the disparity of Religion; for the accommodating whereof, he would make no precise judgement, being a thing depending on the Pope, and in which, neither the King, nor the State here, could make any certain determination.

I then made him answer, that the King my Master would herein have to do with no others, but the King, and his Ministers; and that I supposed, that if the Pope's inclination had not already been tryed herein, and that there might be a probability of his giving way unto the match; I should have thought, there would not have been given commission to Don *Alonzo de Velasco* to give such encouragements to the King my Master for the propounding of it; and that, if I were not much mistaken, I had heard Don *Alonzo* say, that the match with *Savoy* had been already propounded to the Pope, and that he should seem not to be much averse thereunto; which match, I conceived, had been a preparation, and a way-maker to this other.

To this the Duke replied, that the King dependeth on none, but on the Pope; and that depending he could not, nor must not deny; neither could he proceed herein without the Pope's approbation. And as for the matter of *Savoy*, though the Pope should give way unto it, yet there would be great difference in their cases, in regard that there might be great hopes of the Lady *Elizabeth's* conversion, being matched to a Catholick Prince, and being to come to live in a Catholick country:



whereas, contrarywise there might be great danger of the *Infanta's* perversion; she being to be matched, and so to be governed by a Prince, that was not Catholick; the which, if the King should suppose, he could not, nor would not do, though it were for the saving of his Kingdom.

I, seeing the Duke stand upon so strict terms, desired him not to mistake my manner of proposition, which was with these conditions, and restrictions; that if this motion should not be received with full as much forwardness of disposition from the King of *Spain*, as by the King my Master, in his desires to have it effected, this business would quickly be at an end; for that I have no commission to treat, until I should be assured, both that the proposition in general was very welcome unto them, and that they would undertake the clearing of such difficulties as on their side might arise. So that, unless this by them might be undergone, the issue of this business, I conceived, was like to be no other, but that the King my Master had expressed a willingness to lay hold of any intimation, that this King should make of working a greater nearness and strictness between them.

The Duke then seemed to be a little altered with this my directness, and began to qualify his manner of speech; telling me, he well knew the good, and great happiness, that might arise not only to these crowns, but to the Christian world in general, if this match might take effect; and that which he now had said, was not by way of answer, but by way of proposition of the only difficulty he foresaw: But that the King had herein given him order, that shortly I should receive answer, the care whereof he would undertake; willing me to assure

assure myself, that it should be such, as should be agreeable both to the King my Master's honour, and full satisfaction: Upon these terms we parted.

I then suffered them to take the leisure of a month, or six weeks, without using any new instance, until their stay was such, as I held it expedient to press them for their answer, and to make means for a new access unto the King; on whom I was commanded to wait at the *Escorial*. My audience with him was very short, being again referred by him to the Duke of *Lerma*, whom I then found very sick in bed of a Fever, and so offered to have attended him some day or hour of his better disposition. But he entreated me to sit down by him, and told me, he would briefly signify unto me the substance of the King's answer, which should be more at large declared unto me by Don *John des Idiaques*, who was there present.

He then willed me to signify to the King my Master, that this proposition, which he had made, was very welcome, and grateful to this King; taking it as an assured testimony of his affection and goodwill unto him: And as he had found from the King a worthy, and direct proceeding in the propounding of it, so would he use much sincerity, and directness in the answer: For that the truth was, that before this overture made by me in the King's name, for the Prince of *Wales*, with the *Infanta*, the Lady *Anna*, the King was elsewhere engaged; and the reason, why my answer had been so long delayed, was to see, how other treaties (which were already on foot) proceeded; to the end that, if the King should have found himself free of such engagements and promises, which he had formerly made, he might have given that acceptance which he desired to his proposition; the  
which



which he now could not do in the behalf of the eldest daughter, the Lady *Anna*, because those promises and engagements, which he formerly had made, were proceeded in with great likelihood of taking effect. But such was his particular desire of giving satisfaction to the King, that having other daughters, born of the same father, and mother, and of equal dearness, and esteem unto him; that if for either of them it should please the King to make a motion for the Prince of *Wales* (if that the King did think the matter of Religion might be accommodated, and without danger of this King's daughter to be altered, or perverted from her Religion) the King here would be very willing unto it, and would upon his Majesty's answer herein (which he wished me to procure) give order for the negotiating herein to the King's full content. He then told me, what he then said, should be more amply delivered unto me by Don *John* [*des*] *Idiaques*, to whom I might likewise say any thing I had to speak; for that his indisposition was such, that with much pain he had forced himself to say thus much: and so I was accompanied to my chamber by Don *John* [*des*] *Idiaques*, and Don *Roderigo Calderon*.

From Don *John* I received the same answer, in effect, that I had done from the Duke of *Lerma*, though somewhat more enlarged; with whom though I held it to little purpose to argue, or expostulate, yet when they urged the King's former engagement to be long before my overture; I replied, that I much wondered at that; since the motives, that had invited the King my Master to this overture, had proceeded from Don *Alonzo*, their Ambassador now resident in England; who had not only formerly assured the King my Master,  
that

that if he should be pleased to make this motion it should receive a kind acceptance, and an honourable answer; but likewise of late upon the instant of my departure he confirmed, that he was newly instructed from his King, that in case the alliance with the Prince was then spoken of, not only not to refuse it, but to embrace it, as a matter, that should be most agreeable to his King; if the matter of religion might be accommodated.

Don *Roderigo* suddenly, and peremptorily denied his having any such directions from hence; saying it could not be, for that this treaty had been many months in speech. But Don *John* [*des*] *Idiaques* seemed to qualify, or rather wittily to excuse it, by taking off the general word alliance, saying it might be, that he might have directions in case the alliance of the Prince with *Spain* should be spoken of, he should not refuse it; for that it then was, and still is desired, though not particularly with the King's eldest daughter; concerning whom the King had been already many months engaged by promise.

They seemed much to desire, that the King might rest satisfied with this answer; telling me, there was little advantage (in the main) with Daughters; for that the King much esteemed, and would do as much for the younger, as for the elder.

I told them, I knew not how the King my Master would herewith rest satisfied; yet I could not but conceive many differences between the younger, and the eldest daughters. First, that Kingdoms come not into division. And then, that a Prince of nine years of age should be married to a Lady elder than himself; and another of  
eighteen



eighteen should be moved to tarry for an *Infanta* of six years.

And this is the effect of that which passed at that time; whereof I presently gave an account unto his Majesty, and thereupon received directions to make unto them this reply. That the King my Master had found their answer to contain in it so many incongruities, and unexpected passages; that he had held it fit to call this King's Ambassador to a conference with the Lords of his Council, for the justifying of what had passed from him; and had likewise commanded me to understand from this King the reason of these proceedings, which he found both unsuitable to his expectation, and no way to answer the promises of his Ambassador; for that he had not only, in former times, assured the King my Master, that if he should be pleased to propound a match for the Prince of *Wales* with the *Infanta*, the King's eldest Daughter, he should receive a kind and an honourable answer; but also very few days before my departure he confirmed his former speeches in his King's name; acknowledging, that by a late direction from hence, he was newly instructed, that in case the alliance of the Prince of *Wales* were spoken of in *England*, that he should not only not refuse it, but embrace it as a thing that should be most agreeable to his Majesty, if matter of religion might be accommodated. Now the King my Master, seeing these encouragements, given by the Ambassador, so contrary to what he found here; (for having but two months before received assurance, that if he propounded the match for the Prince with the *Infanta* Major, it should find kind acceptance, that he should now receive answer, that she was already disposed of:) his Majesty could

could not herein but judge, that either this King's proceedings were not with that clearness, that he expected; or that the Ambassador, whom the King my Master had cause in all things to believe, (having the publick faith and credence of his King) had herein much exceeded. Wherein his Majesty desired first to receive satisfaction; for that he was advertised from myself, that some of the King's principal Ministers here absolutely denied to me, that any such direction, or commission was given to the said Ambassador. His Majesty therefore thought it fit to have this point cleared; whether he had any warrant from his King, to speak what he had said, or not; for that, whensoever it should appear, that any publick Minister should so much forget himself, as to deliver that in the person of his Master, which is but his own; or, having spoken the truth, should afterwards be disavowed by those that employed him; one of these two things must follow, that he is either become unworthy of the place he holdeth, by his own act, or made unworthy by his Master.

Having delivered this both to the King and the Duke of *Lerma*; from the Duke, in the King's name, I received this answer: That it was true, that his Majesty had great reason to take exceptions, and to be displeased with this manner of proceeding, if that their Ambassador had in this sort dealt with his Majesty; but that he herein must absolutely clear the King, whose proceedings were, and ever should be found with much love and sincerity unto his Majesty; and that the blame, and fault hereof must light upon the Ambassador, who had received no such commission, nor directions from hence; telling me, that it was justice, first, to hear their Ambassador, before they could proceed



ceed against him ; but in case he should not clear himself, but that he had proceeded in the manner, which I had set down ; the course, which his King would take with his Ambassador, should both fully give his Majesty satisfaction, and sufficiently witness, that his King had given him no such commission. He then desired to know the particulars, which, I alledged, the Ambassador had said to his Majesty ; which I repeated unto him in this manner :

*First*, that upon the motion of the match with *Savoy* he told his Majesty, that in case he would be pleased to make the like overture with the King his Master, for the Prince his Highness with the *Infanta*, his King's daughter, he did assure himself, that his Majesty should receive a kind and an honourable answer.

*Secondly*, in *April*, 1611, he confirmed his former speeches, in the King his Master's name, acknowledging to be newly instructed from *Spain* ; that in case the alliance for the Prince his Highness were spoken of in *England*, he should not refuse it, but embrace it, as a thing, which should be most agreeable to his King, if matter of religion might be accommodated.

*Thirdly, and lastly*, he confirmed in a conference with the Lords of his Majesty's Privy-Council, that he was warranted and authorized to hear and embrace any overture for the Prince his Highness concerning the *Infanta* Major, and that upon just, and reasonable conditions ; so that means might be made for the accommodating of matter of Religion : All which in conjunction, without allowing some, and disannulling the rest, the Duke of *Lerma* in his King's name, absolutely disavowed ;

ed; denying, that any such commission had been given unto him.

The Duke then seemed much to labour, to express his King's affection, and good intents to his Majesty; alledging indeed, that it was true, that there had been formerly some speech of the conveniency of this match; but, seeing it in no kind proceeded in, the King had taken this resolution, which was now likely to take effect, for the bestowing his eldest daughter upon the King of *France*. But that all other means of entring into alliance with his Majesty, by bestowing any other of his Daughters upon the Prince, his King had willingly offered, and was ready to perform, if matter of religion could be accommodated; asking me, whether I had no answer concerning this offer, which his King had made unto him? I told him, I had therein, as yet, received no direction at all: And thus for this time we concluded, and parted; this being in the midst of *September*, 1611.

In the beginning of *February* next following, I having occasion for many businesses of the merchants to repair unto the Duke; after long discourse therein, he expressing an extraordinary desire, that all things might be carried with much love and kindness betwixt their Majesties, and that a greater nearness might be wrought betwixt them, if it were possible; asked me, whether I had yet no directions concerning his King's last proffer? I told him, I had not: Then falling into many discourses of having *England*, and *Spain* united; he telling me, there were very few King's Daughters now left in *Christendom*, and that, in the matches of great Princes, there were commonly greater inconveniences than the disproportion of



some few years; and urging me to speak what I conceived thereof; I told him, that out of the confidence I had in him, and for the expressing of mine own good inclination of doing all good offices betwixt their Majesties, whom I conceived were both well inclined to unite themselves more nearly, if fit means could be found for them, I would tell him, both what I thought in this particular, and what should be the most probable means of working such an effect.

I then said, that the King my Master, having only two Sons; I supposed, he would regard no one thing so much in the match of the Prince, as the hope of a speedy, and plentiful issue; and the Prince being already at man's estate, and his King's young Daughter not past six years of age, he should be forced to the attendance of many years, and the prime of his youth be spent, before there could be hope of any issue by him: which consideration, I apprehended, was the cause, which made his Majesty take so much deliberation in giving answer unto the proffer. But that, if he would give me leave, merely as a private gentleman, as having no other commission, but the warrant dormant, which all Leiger Ambassadors have, to propound and discourse of all things, which they think may tend to the encreasing of amity, and good correspondency betwixt the Princes, where they are employed, I should be glad to express my good intentions and desires in this kind, by declaring unto him all the most likely, and probable ways, which I could foresee, for the producing of such an effect; and so (amongst other things) told him, I supposed, that a Daughter of *Savoy*, being so suitable in years, and so near in blood to his King, might, by being taken into his care,

care, and being as it were adopted a Daughter of his, and made fit by him, in regard of her fortunes, as she was in all things else, to be a wife unto the Prince; she might very well prove a fitting subject to set the mutual desires (which I conceived were in both their Majesties of uniting themselves) on work.

The Duke thanked me very much, both for the free proceeding with him, and for the good inclination, which I expressed, of working a greater nearness betwixt their Majesties, telling me, he would consider of what I had said, seeming much to approve it; and shortly again would send for me, that we might confer further thereof.

I earnestly entreated him, because this was a meer project, and proposition of mine own, without any kind of authority, or direction, that it might pass with much stillness, and secrecy; and that, if it should appear upon better consideration not convenient to be further proceeded in, that it might die betwixt us two; lest otherwise my good intentions might perhaps turn to my prejudice; the which he was pleased not only to promise, but very solemnly to swear unto me.

Within some few days the Duke sent to call me unto him, and then signified unto me, how well my good intents and desire of doing all good offices were accepted; and particularly, my last discourse that I had with him, and that he would requite my kind proceeding with a real freeness; for that, though the business of *Savoy*, whereof I had spoken, might have, in his opinion, any probability of taking effect; yet as the case now stood, he thought the present no fit time to deal in it: for in regard his King had made an offer of his own Daughter (to which his Majesty had yet given no answer)



answer) he held it convenient, that this or any other proposition of this nature might be respited, and suspended, until the business of his King's own Daughter were fully cleared; in which he conceived his Majesty had now taken much leisure, and therefore desired me herein to require his Majesty's resolution.

Thereupon I wrote unto his Majesty, that in a late conference betwixt the Duke and myself, in which many discourses passed betwixt us, and I uttering my private thoughts of such things as I held probable to produce a greater amity, and nearness betwixt their Majesties; the Duke declared unto me, that the King his Master was in expectation to receive from his Majesty a direct and certain answer, concerning the overture for a match betwixt the Prince of *Wales*, and this King's second Daughter.

I write unto you this passage, though it were a thing merely of mine own, without any kind of instruction from his Majesty, for these two regards: *First*, for that I am so desirous herein to set down the truth, that I would not conceal so essential a circumstance, though I were certain to incur great blame by it: *Secondly*, for that this occasion drew from his Majesty his answer to this King's offer of his younger daughter; whereby the business, being again revived, hath been brought to that final issue, where I conceive it is like to stay.

His Majesty, upon this instance of mine for his answer, first directed me to alledge the reasons, which had hitherto detained him from making any reply, and then to answer in this manner: That in the offer made by this King of his younger Daughter, both as it was delivered unto myself,  
and

and likewise as it was confirmed by this King's Ambassador there, his Majesty still found this clause and condition inserted, that this King would be most willing to entertain a motion for a match betwixt the Prince of *Wales* and any of his younger daughters, if matter of Religion might be accommodated. And therefore to the end that all proceedings betwixt them might be with much clearness, he commanded me to move this King, that he would be pleased to declare the intent of this clause, and what was meant and excepted, in the accommodating of matter of Religion; and why that difficulty was so often represented.

Thus much I delivered unto the King, and to the Duke of *Lerma*; from whom after the deliberation of two months I received this reply: That the King his Master, out of the desire he had to make alliance with his Majesty, had consulted with the Pope, and other grave persons, requisite for so weighty a business; and if that, for the accommodating of matter of Religion, the Prince would become a Roman Catholic, he would willingly embrace, and esteem him, as his own dear son.

I told him, that in such treaties, and negotiations betwixt Princes, there was a great difference betwixt what might be wished and desired, and what was resolutely demanded; and that I conceived, the King rather expressed herein, what he would be glad might be, than what he expected should be: but that my directions were to entreat this King, that he would be pleased to declare, not what he could wish, but what he would demand.

The Duke then answered, that without the Prince his being a Roman Catholic it was not possible, but that the perversion of the King's Daughter



ter must needs be hazarded, which for the world he would neither be the direct nor indirect cause of.

Hereupon I signified to the Duke, that the King my Master had given me directions, and instruction, how to behave myself, according to the answer, which I should receive, and therefore I entreated him, for a day or two, to give me leave to confer this answer with my directions; and that he would give me access, and procure me audience with the King, for the further proceeding in this business, as the King my Master had commanded me.

Within two or three days after, I was appointed to return again unto the Duke; to whom at first I made repetition of the answer, which the last day I had received from him; the which he likewise then confirmed again. I then desired him to consider some few grounds, which I should lay unto him; the which being presupposed, I conceived he could not but think, that the reply, which the King my Master had directed me to make, was grounded upon much equity and honour.

The *first* thing, I desired this King should consider, was, that when his Majesty dealt with him, and his Ministers, he presumed so much of the equity of this King's judgement, and promised himself so much of his affections and respect unto him, as he should never hear from him any demand unworthy of him, or which this King would not judge fitting to be propounded unto himself, were the King my Master's case his own.

The *second* thing, which I desired that this King should know, and believe, was, that there was no Prince whatsoever more confident and certain in the truth in his Religion, than the King my Master

ter was in his; in which he was not only resolved to live and die, but for the protection and defence thereof, had by several means declared himself as far, and would ever be ready to adventure as much for the maintainance thereof, as any Prince living should do.

*Thirdly*, I desired it might be remembered, that though it be true, that the King my Master caused the proposition for the Prince with the Infanta Major to be made, yet he was first moved and invited thereunto, by the assurance which this King's Ambassador gave unto him, how welcome this motion would be unto his Master.

And for that which hath now passed in this of the second daughter, it hath been likewise only stirred, and moved from hence, by the offer made by this King. And to this offer, being thus accompanied with these demands and conditions, I was out of these grounds, by the direction of the King my Master, to make this answer:

That whereas it is demanded that, to match with this King's second Daughter, the Prince should become a Roman Catholic, the King my Master desires to refer it to this King's own judgement, what censure that King should deserve, both from the hands of God, and the world, that having so many ways expressed his constancy and love to the faith and religion, which he professeth, should shew himself so full of impiety and dishonour, to persuade his son, to make a change of his soul for a wife, or any earthly fortune whatsoever. And if this King would not for a world (as he professed) be either the direct or indirect cause of the hazard of his Daughters perversion; the King may be pleased to consider, that if he be therein so exact, as befiteth a King in point of Religion, and ho-



hour; the King my Master is likewise so, in no degree less: and therefore hath commanded me plainly to declare, that though he could not but make a kind, and princely construction of the offer, which this King made of his Daughter, as judging her most worthy of any Prince whatsoever; yet for this demand of the Prince his becoming a Roman Catholic, the King my Master holdeth it unworthy of him; and would absolutely refuse to bestow the Prince his Son upon these conditions, were the person offered the sole heir of the monarchy of the whole world.

Hereunto the Duke made little answer; not expecting, I conceive, so direct and conclusive a proceeding; only said, that his King did suppose, that God might have been pleased to have made this the means for the reducing of the Prince, and *England* to the Catholic Religion. And so from the Duke I went unto the King, with whom I was appointed at that time to have audience; unto whom I made an ample, and full relation of the whole course of the business, and particularly signified unto him the answers which (in his name) I had received from the Duke of *Lerma*, and likewise his Majesty's reply. He told me, the Duke of *Lerma* had in all things proceeded as he directed him; and therefore he would only confirm those answers, which I had already received from him.

Thus having made unto you a true, and exact relation, how this business hath hitherto been carried; I will refer the judgment thereof to your own wisdom; only these passages I recommend unto you as most remarkable.

*First*, that his Majesty's proposition, for the King of *Spain* his eldest Daughter, was out of the several invitations of the *Spanish* Ambassadors.

Neither

Neither can the dishonour of their undirect proceedings be removed, but that another will necessarily fall upon them: For if Princes shall not give credit, and belief to the Ambassadors, and public Ministers, one of another, all means of negotiating betwixt them will be taken away. Herein they pretend for the giving of his Majesty satisfaction they have [recalled] their Ambassador; and likewise sent Don *Pedro de Zuniga*, in the interim, until the coming of Don *Diego Sarmiento d'Acuna*<sup>b</sup>, whom they have nominated for that employment.

*Secondly*, in this business concerning the second Daughter, it never was, in any kind, any motion of his Majesty's; but merely an offer of the King of *Spain*; which God, I conceive, appointed as a fitting and worthy means for his Majesty to make declaration both to them here, and to the world, of his constancy and resolution, in the professing and protesting of his Religion.

So that I will conclude, that if any thing herein hath passed less honourable, or less sincere, than befitted the greatness of two such mighty Princes, there cannot so much as any reflection of it light upon his Majesty, whose proceedings clear throughout have been with all directness: Whereas they, if they do not justly incur the censure of some falsehood, yet it cannot but be a great unluckiness unto them, in a matter of so great consequence, to be forced to renounce their Ambassador. Neither have they any advantage in point of honour, that a Daughter, whose sex giveth ever the privilege to be sought, being offered, hath not been accepted.

<sup>b</sup> Gondomar.



N<sup>o</sup> XII.

*A Discourse concerning the Marriage propounded to Prince HENRY with a Daughter of FLORENCE: Written by the same, being the Prince's Treasurer, at the Prince's commandment.*

THE alliance with *Florence*, by Marriage of your Highness with a Sister of that Duke, brings with it neither to the King, nor to yourself, any addition of strength, or diminution of doubts, the two principal marks, that in all marriages, and conjunctions of that nature are aimed at.

The country of that Duke is far remote, and therefore of itself utterly unapt to yield you any help, if by accident you should have occasion to use it. His forces are hardly able to defend his own estates, if either by the King of *Spain*, or the *Pope* joined with any other the Princes of *Italy*, they should be at any time invaded.

The affections of that Duke, and State, are already espoused to your most suspected friends, and assuredst enemies. The late working of these conjunctions between them, to the engreatning of them, and peril of us, have made it manifest. They have by those means weakened us abroad, and by this conjunction their design may be to do the like at home. The policies, and plots of *Florence* have seldom, or never, wanted an especial regard to the chair of *Rome*. From that See they have

have received their greatest honour, and from that triple crown they still hope, and expect the diadem of a King; whereunto they have already made a step by acquiring that of the great Duke of *He-truria*.

No part, or place in the King, your father's court, or your own, will be free from the eyes, and understandings of some, that shall from time to time be shuffled into their train; and little doubt there is but that from that *Florentine* fountain, and source of practices, whereof so bitter an experience hath been had by our neighbour countries, both intelligences will be given, and plots used to put us into factions, and garboils, to serve ends abroad, and perhaps those of our greatest enemies. In no one thing earthly can they more merit either of that Roman chair, or of those Kings, whom they have of late so strongly, and straitly united, than by drawing this monarchy, having so many years continued the nurse, and protector of the Religion reformed, into a division within itself, and into a suspicion with all those friends, whom agreement in Religion (the surest bond that among men is to be found) so straitly united.

The conjunction moved is collateral, not lineal, and therefore, more than the portion presently to be given, no other aid, or assistance to be thereafter hoped.

That serpent of corruption, which, notwithstanding the frost of so many years disgrace, where-with it hath been in these kingdoms benumbed, hath yet lived, and held up the head, would now, by receiving a part of her into our bosom, recover new warmth, and strength, and be enabled again to endanger us with her poison. There can in reason  
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be little chastisement expected for receiving of Jesuites, and Priests, the only moths, and miners of this commonwealth, or for saying or hearing of mass, when, under the roof of the house of his Majesty, and your Highness, and so near unto your persons, both the one, and the other shall be daily tolerated. His Majesty, that hath in all the time of his government shewed so great and intire regard to justice, cannot so well with his honour demonstrate so great an inequality, as to punish those things in his people abroad, that he alloweth and permitteth in his chamber at home.

Were it that this alliance might be said to bring with it an enlargement of dominion, an increase of revenue, or an honour in itself in regard of an equality in blood, and dignity, as was projected in the marriage with *Spain*, more approvable would it be to our friends abroad, who thereby might, as occasion should require, hope to participate of what should be added unto us; and to the subjects at home, to whom the strength and glory of their country would be a counterpoize against the distaste of joining hands with a religion they so much abhor. But your Highness in this expects no amplifying of dominion, nor augmentation of revenue. Moreover, whatsoever shall be given in ready money, or the most part of it, must pass into the King's, your father's purse: yourself obliged to a new charge which will be looked for to become suitable to your own high estate, and the portion that shall be given in marriage; your own means being little, or nothing at all enabled, nor your person honoured in marrying with a daughter, though of a great Duke, and a Prince absolute, without any nominal subjection to any, yet not free from dependance in regard that for the  
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principallest parts of his territories he is feudatory to the empire, and received the investiture of other his estates from his mighty neighbour the King of *Spain*, without whose favour he shall ever have cause to live in some fear.

Neither is that house much graced with their two late marriages with *France*: the *first* being with a younger son, then not like to become a King, and the success such as will ever continue a woful memory in the hearts of that nation: the *second* with a King, who, in regard of his having another wife then alive, and some other contracts challenged at his hands, to whose children he had avowed himself a father, was rather contented to accept of a valley, offered him with ease, than to aspire to a mountain, which, those his incumbers of state and conscience considered, was not likely to stoop to him.

It is true, that in all other foreign parts of *Chriftendom*, fit for the regard of your Highness's eyes, you are either preoccupied by those late marriages agreed upon in *France*, and *Spain*; or there arise alike doubts, and exceptions for matter of difference in Religion, as of this in *Florence* (only those of *Germany* excepted) who, although in respect of their dependencies upon the empire may in some sort be taken for subjects, and not absolute in their own territories, yet respecting the antiquity of their houses, their clearness of blood, their strength by leagues, and confederacies amongst themselves, and, which is most considerable, their conformity in Religion, are, in my weak judgement, more apt parties for your Highness to join with than those of *Florence*.

Your conjunction with those of your own Religion will demonstrate your clear, and undoubted resolution



resolution not to decline in the cause of God. This will fasten unto you throughout all *Christendom* the professors of the reformation, and will make you dear to the subjects of this kingdom; out of whose loves you may expect a permanent and continual treasure, not to be equalled by the portion of *Florence*, were it by many degrees greater than can be hoped; and whose contrary conceits upon a marriage in so high a degree distasteful unto them is likely to breed, and increase those obstructions, which have lately been shewed upon the demands of supply in Parliament by the King your father.

Lastly, might the States of the *United Provinces*, out of consideration, how much it may import themselves to have you joined with those of the Pope's obedience, be wrought to become actors, as well in recommending to your Highness a marriage in their neighbour countries, as they were, out of their own loves and respects, assistances at your christening, that may perhaps draw on an increase of sum in portion, and an obligation in them, which may hereafter become of greater consequence, and benefit to your estate than whatsoever can be offered, or performed from *Florence*.

The like may be wished, and wrought with the subjects at home, who, if it shall please the King, and you so much to honour as to acquaint them with your intention to marry, and with what the necessity of the State will require in portion, are not likely to suffer your choice (agreeing in regard of conformity in Religion with their liking) to be short in portion to any other whatsoever, that shall bring with them so many inconveniences, as out of a conjunction with a sister of *Florence*, or one of so different an opinion, are to be expected.

N<sup>o</sup>. XIII.

*Letter to the KING : By the same.*

**B**E pleased to accept (most gracious Sovereign) the true and plain discovery of a soul afflicted, and grieved in all extremities for your Majesty's displeasure, occasioned by some conference concerning the last Parliament. I have no purpose to stand to the justification of my former proceedings, but do most humbly submit them, and prostrate myself before your Majesty's royal feet; beseeching your gracious pardon, if therein I have in any sort offended you. But for the matter conceived, and projected by me to be said, and moved in the parliament; so clear are my thoughts, and so zealous and ardent my will, that your Majesty's desires might have been effected, and my dear country cared for, and contented, as I first desired for my better serving you to have been of the house myself, and went for that purpose as far as *Ipswich*, in my way towards *Eye* in *Suffolk*, where I hoped to have been elected a Burgess, but failed of my hope, by reason the election had passed one day before my going out of *London*.

In confidence to have been provided in that corporation, I had formerly bestowed on two gentlemen, recommended unto me by Dr. *Sharp*, letters recommendatory from the Earl of *Northampton* for two Burgeships. The gentlemen were both unknown to myself, who confided only in him, that they were men of ability, and fitness for the service. In my way towards *Ipswich* I conceived,



and projected, what I would say in the Parliament. I heard continually in *London*, and out of the the country, what dissonant voices, and distracted conceits there were of grievances, intended to be preferred, as well concerning impositions, as the great number of *Scots*, that are said to reside within this Kingdom. To reduce these into some certain points, for your Majesty's better service, I bestowed my studies; conferring and discovering the same after my return to *London*, to Dr. *Sharp*: who (as I remember) named Mr. *Hitchcock* (one of the gentlemen for whom I had obtained by my Lord of *Northampton's* means a Burgeship) to be a fit man for delivery of it to the House by way of motion. The effect of the same, to my remembrance, was in brief as followeth:

That the eyes and actions of men are ever to be directed, and levelled at their ends. That we should do well to address all our thoughts, and speeches to the purpose, for which his Majesty hath called us to this Parliament. That we should not spend time in words and disputes, as in the time of the last Parliament precedent; but enter presently into consideration how his Majesty's necessities might be relieved for the present, and the like prevented in time to come. That I held it not fit, we should merchant with our Sovereign, or that we should use the terms of the former Parliament, viz. of contribution and retribution. That we should not seek to deprive him of any of the gems, or flowers of his Crown, nor make him so dear an earner of our monies, as by depriving him of the rights or privileges of his diadem left unto him by his royal progenitors and predecessors. That to so wise and understanding an assembly it should be unnecessary to remember the obligation

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of duty, and love, that we owe to our Sovereign; or what care and consideration we are bound to have of our dear country, for which we have the honour to be in that house so absolute fiduciaries as to have committed unto us their lands, their lives, and all their fortunes. That there is between Kings, and their subjects, so natural a relation, as the one cannot subsist without the other; and therefore providing for the one, the other is to be cared for in a due proportion. That the greatest unhappiness and misery, whereunto the fortunes of Kings, and others of supreme authority, are subject, is, that in the crowd of flattery, that environs their thrones, they cannot discern the faces of true friends, and servants from those of false and feigned; and that they see and hear by the eyes, and ears of others, who more often speak unto them *placentia* than *utilia*. That for this cause in monarchies Parliaments were instituted; where, in that general assembly, and great council of the kingdom, men might freely deliver their thoughts, and advices in whatsoever they should find error of government, or grievance in the commonwealth; as those that are not to be thought to speak their own words, but those of their country; neither to be possessed with any passion, or private interest, but with what concerns the kingdom, and the particular counties, and corporations that they are put in trust for. That it is truly said, that all men never deceived one, nor one man all: and therefore that general voice is both of more credit, and more force than those of any particulars, who do commonly either want hardiness to speak, or operative power to work with their Sovereign what [they] themselves, and the commonwealth desire. My humble motion therefore should be, that we  
might



might all unitely, with one heart and voice, cast ourselves at his Majesty's feet, offering unto him whatsoever this Kingdom can possibly yield, for the relief of his necessities, and reparation of his estate; and withal our humble desires, that he would be pleased to take into consideration some things of great consequence unto himself and of most contentment to his subjects.

To begin *first* with the cause of God, which of all other deserves the primacy and principal respect: We are to expose unto his Majesty the great grief generally conceived for the unexpected increase of Papists and Recusants, since the time of the Gunpowder-treason: in detestation whereof all men were moved to think, that they would rather have been utterly extinguished. The occasions are supposed to be the silencing so many watchful and diligent Ministers; the ordinary course of compositions for their disobedience; and the divers treaties that his Majesty hath been said to have entertained for the marriage of the late Prince deceased, and of this that liveth (whom God Almighty bless) with Daughters of Princes of Romish Religion; which is thought be a great encouragement to those of that affection, and as great a disheartening to those of true Religion.

Concerning this particular, which is now said to be in treaty with *France*, it is true, that there is no place left in *Europe* (that and *Spain* excepted) where his Majesty can make alliance suitable with his royal dignity. Howbeit I am of opinion, that although for some designs of State, which it becometh not us his humble subjects to dive into, his Majesty hath been pleased to entertain these overtures of Princes of the Romish religion; yet such is his own pious, and Christian heart, as he leaveth

leaveth not unconsidered, that to marry with a child of God, and for God, is greater honour and gives hope of a greater blessing, than to marry with a child of man, be the dignity, place, [or] portion never so great in the eyes of men. Hereof to his immortal honour, and the perpetual obligation of his subjects, his Majesty hath been pleased to make a good demonstration in the marriage of his only daughter, where he found a soundness, and conformity in Religion; whom had he measured by the yard-wand of the world he might perhaps have bestowed upon one of the greatest Monarchs in *Christendom*.

Besides, such is the nearness of *France* unto us, as should a Daughter of that Kingdom be brought hither, such, and so many would be the visits, as we should every month be enforced to entertain a new Mounseur, which to a Prince of so magnificent, and liberal a disposition, as is his Majesty, would breed no little trouble, and a great deal of expence and charge.

In the *second* place, we are become most humble petitioners, that he would be pleased in his chamber, and other places of retreat to grant unto us (as it were) *medietatem linguæ* (viz.) That those of our nation might have a moiety in them, as this commiserative Kingdom hath always given to aliens, in cases of trial in causes criminal. By the judgement of our SAVIOUR himself, the bread properly belongs to the children of this Kingdom: And therefore we are to beseech his Majesty to be graciously pleased to stop the current of future comers of the *Scottish* nation to reside within this Kingdom; other than such, as shall be necessary for his Majesty's especial service. For thereby his Majesty himself shall be less troubled, charged,  
and



and importuned; his estate more enabled towards those of that country, that are here already in his service; and those, that shall so offer, or desire to come, to their own good forewarned, that, through uncertain hopes of getting here they spend not what they are already possessed of in certainty in their own country, as is reported many of them already have done, to the greater detriment of their own estates, and enfeebling the ancient nobility, and gentry of that kingdom.

This was (Dear Sovereign) to my remembrance, the effect and substance of what I had conceited to speak in Parliament. Wherein, if any thing shall appear unto your Majesty distasteful, pardon it, I most humbly upon my knees beseech you; and consider, that to work upon a body, that had formerly shewed so little disposition, were necessary drugs of different temperature: especially my purpose being to draw from it matter of so great consequence, as the payment of your debts, the providing of you a treasure *in omnes eventus*, and the establishing the state of your revenue, fit to support you in that royal lustre, that hitherto you have lived in.

This being communicated to Dr. *Sharp*, and Mr. *Hitchcock* failing not to perform the motion; it seems by some means he got correspondence with Mr. *Hoskins*, who made (as I have heard) a speech in Parliament concerning the *Scots*; but such as agreed with mine neither in form, nor matter. Yet is the Dr. content (out of his own apprehensions) so far to forget himself, as to affirm, that I should promise, in regard of Mr. *Hoskins*' loss of his practice in the Term, to give him 20l; which I protest unto your Majesty before Almighty God I never did, nor intended. He moved me (I confess) and

and persuaded with examples of others, that (he said) would give: but did neither name, nor in any sort point at any, so as either in honesty, or Christianity I can justly name any one, without peril to charge an innocent: which I know your own royal, and pious heart would rather condemn than allow in me.

For the manifestation of the truth of all other things, of which it pleased your Majesty I should be examined; I have plainly answered before Mr. Secretary, and Mr. Solicitor: and I do esteems cast myself at your Majesty's feet, protesting, even as I shall answer at the dreadful day of God's judgment, that in no conference held by me concerning your Parliament, there was any other thing propounded, or intended, but what my heart, and soul thought to have been for your Majesty's special utility, and service, for the security of your estate, and the settling, and contentment of these your Kingdoms, and government; which, God let me no longer live, than I shall desire as much as any man that lives upon the earth; as he, that so long with all the efforts of his soul hath served you, and not in paper only, but in heart and will, desires not ten days to be added to his life, if your Majesty shall not be graciously pleased to restore him to your favour, and to reckon him into the number of

Your most humble faithful

and affectionate servants,

June 22d.

1614.

CHARLES CORNWALLIS.

GIVE



GIVE me leave (most gracious Sovereign I humbly beseech you) once again to cast myself at your feet, and pray your pardon for my unfortunate transgression. It was my great fault, and folly, (I confess) being your servant, to enter into a matter so much concerning your Majesty, without first acquainting you. But since the same proceeded out of error in judgment, not out of want of duty, and humble affection to your royal person, or out of malice, or malevolence to any other; I cannot but so much hope of your Majesty's accustomed clemency, which hath bred you so much fame abroad, and hearty love with your own subjects at home, as, upon mine unfeigned repentance, and humble suit, you will be pleased; and pass your royal eyes, and give belief to this paper inclosed, containing the plain truth of mine intentions in that matter of the Parliament, wherein, to mine unspeakable grief, I have offended your Majesty.

In your regal power your Majesty hath the honour to be upon earth a figure of the Almighty God: and more fame, and true love you can by nothing worldly win, than by representing him in your mercy. If God should chastise every offence with the rigour of his justice, well knoweth your most Christian and understanding heart, how miserable were man's condition. Your Majesty cannot have a subject, and a servant that is more heartily sorry for his fault. I appeal to nothing earthly but your grace, and favour: Deny it not (dread Sovereign) to one, that so long, and so faithfully hath served you: neither permit, that, in your royal thought, nor in your balance of kingly justice, one offence should cancel, or overweigh the consideration of so many precedent services.

*David.*

*David* transgreſt more than once, and that in a high nature : yet was God pleaſed out of his own divine mouth to pronounce him a man according to his own heart. I never offended your Maſteſty (to my knowledge) but in this one particular ; I have ſerved you in many. I will not trouble your Maſteſty with more of my words ; but will conclude with that, which was *David's* prayer unto God Almighty : Chaiſe me (dear Sovereign) but not in your heavy diſpleaſure. In this place of reſtraint, and darkneſs I can do you no ſervice : your Maſteſty being graciously pleaſed to grant me liberty, you ſhall, I hope within few weeks, find my proofs, that I both can, and will ſerve you in what ſhall tend to your honour, and profit ; and that laſt in no little meaſure. I moſt humbly proſtrate myſelf at your moſt royal feet, ready either with joy to receive the comfort of your gracious remiſſion, or with patience to attend your pleaſure in this woful place ; where (God knoweth) I do night and day heartily pray for you ; as he that deſires nothing earthly ſo much, as to be received into your moſt gracious favour, and to be reckoned into the number of

Your moſt humble dutiful

and faithful ſervants,

CHARLES CORNWALLIS.



N<sup>o</sup> XIV.

*Mr. THOMAS ALURED his Letter to the  
Marquis of Buckingham, 1620: to dis-  
suade the match with Spain, &c.*

To my Lord Marquis of Buckingham.

**T**HOUGH to advise you may seem presumptuous, yet what is well intended, I am more than confident, will not be either offensive to your Lordship, or prejudicial to me; the rather, since what is now offered is not for your good only, but for the general also; the honour whereof as in some sort you may appropriate, so you cannot but participate and communicate in the benefit.

The Parable in the Gospel tells us of a great King that married his Son, and bad many thereunto, yea upon the excusal of some, and refusal of others, all of what condition soever, as well out of the highways as in the high places, were called and invited. As every true Christian hath an interest in the Marriage of that King's Son of Heaven, so every good subject, as well as every great subject, hath an interest in the Marriage and welfare of the King's Son here on earth: which occasioneth so many, and me the meanest of those many, to wish, that it may bring with it glory to him on high, good will and peace to those on earth: which is much doubted cannot be from *Spain*, since the motioning of that Match maketh a general fear, that  
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it can neither be safe for the King's person, nor good for this church and commonwealth; because that thereby there may be an inlet to the *Romish Locusts*, who, like the canker worm, may in an instant smite our gourd, under whose shadow we sit safe: and then what may we fear, but the heat of persecution or dissension to beat upon the head of *Jonah*, the best affected of God's people, who cannot but faint, and with *Jonah* wish to die, rather than to see and endure that day: for what will they not attempt against our goodly *Cedar tree*, that the Vine which their left hand shall plant may grow up, and they be sheltered under her branches. But herein it is hoped, that God will enable this state sooner to make prevention of their mischief than trial of their affections. For as no person hath more deeply wounded them, so there is no person whom they hate more deadly. And if they murdered the two last *Henrys* of *France*, because they suspected them to favour the Protestants, how do they burn in malice against him, that hath so professed himself, and blazed them, to his glory, and their shame. And it is as unsafe to men, as displeasing to God to rely upon them.

*Henry* of *Bourbon*, King of *Navarre* (father to *Henry IV.*) drawn by an imaginary crown of *Sardinia*, and the promises of the *Spaniard*, left the Protestants both in profession and person, and became a persecutor of them, whose protector he was. But while he cast his hopes on *Spain*, *Spain* deceived him of his crown, and God in justice (who never leaves any that leave not him first) gave him over to a violent death; for a bullet took him within his own trenches besieging the poor Protestants in *Roan*.

*Henry* the Fourth, his son, what battles did he  
X 2 fight?



fight? what dangers did he escape? even to the admiration of all, while he was at defiance with the *Pope* and *Spaniard*: But when in a politique and worldly respect he tasted the same four grapes which had set his father's teeth on edge, first a young Jesuit struck him in the mouth, then a Popish *Ravilliac* stabbed him to the heart: whereas Queen *Elizabeth* (the happiest instrument of God's glory of her sex, since the most Blessed *Virgin Mary*) notwithstanding the few friends she had abroad, and the divisions at home, when she came to the Crown (being a lone woman) yet refused the King of *Spain*, being her first and an earnest suitor, by the Earl of *Ferrara* his Ambassador. And notwithstanding the thundering of the *Pope's* Bulls, and the *Spanish* Cannons openly, or the working of his Pistols privately, they were never able to cut so much as the lap of her coat, or to diminish one hair from her head much less her crown. And his Majesty that now is, continuing constant in the same religion she professed, continueth no less miraculously in God's protection, than she did. And though there was but one Protestant King in Christendom then, besides himself, chose rather to match there, than with all the wealth of *Spain*, or any other Popish Prince. What therefore his Majesty hath given by precept to the Prince in his book, and by precedent in his own person, will undoubtedly be expected, and (all good men hope) assuredly performed. For as the Prince proclaims the King his father by his wonderful likeness and resemblance of the King himself, so it is hoped he will never prove unlike him, as in his other virtues, so particularly in the choice of his second self, which so nearly concerns him (and your Lordship also in your own particular)

that

that none can be too circumspect; especially since not only a *Somerset*, a *Suffolk*, or a *Secretary*, but the first man, the strongest man, and the wisest man, that ever was, though they were all good men and types of *Christ*, yet they were thereby tempted and seduced.

To address this poor discourse more particularly to your Lordship; Kings have almost ever used to have their favourites: *Alexander* long since had his *Hephestion*, *Henry* the third of *France* of late his *Espernon*, and *Philip* of *Spain* his *Lerma*; yea the best Princes have not wanted them: for after the reckoning of *David*'s great officers, *Huffai*, the *Archite*, is called the King's friend: And *Ira*, the *Jairite*, is set down to have been chief about *David*: which stands to reason, and agrees with nature; for every private man is left to affect as he likes; neither can affection be forced. Now to disallow or confine that in a King, which is left at liberty in the meanest subject, were preposterous and injurious: for though they command nations, as they are Kings, yet are they subject to affections, as they are men. And if I may alledge without misinterpretation of others, as I am free from ill-meaning myself; who knows not, that *Christ*, the rather to shew himself a natural man, expressed it so much the more by his often weeping, and his affections to divers particulars, but especially to *St. John*, if I may not say his favourite, certainly "the Disciple whom *Jesus* loved" more than any of the rest. It is God's blessing and your happiness (if you account it so) to be the King's favourite. As *Peter* therefore, not presuming to ask *Christ* who it was he spake of, beckoned to the disciple whom *Jesus* loved, on whose breast he leaned, to ask him: So, since most men neither may nor  
ought



ought to be so bold to ask or advise the King in this business so much spoken of: yet they point at you, who the higher you are in the King's favour, the more you are in the people's eye and observation; and they expect you will not be wanting in the duty of a subject, a counsellor, and a favourite: but as your reasons and persuasions are known to have the better opportunity to be delivered, and the more credit to be believed; so in this case to be with the King, a *Moses*, one of God's great favourites and familiar servants, to stand in the gap and divert this plague (for in most mens judgments and voice of God's people it is so held) how glorious and necessary soever it seems outwardly.

I am confident you think the King's favours and your fortunes are not for your own ends alone, or for any ill end at all: (We have lately seen the ends of those who have proposed such ends) for "promotion cometh neither from the east, nor from the west," as a casual thing; but as God's providence extends to the fall of a sparrow, so much more to the rise of a servant. And who knows, but the same hand, which raised *Joseph* in *Egypt*, hath advanced you in *England* for the like end. To parallel you is no disparagement: you are a younger brother by a second marriage, as *Joseph* was; a fair person and well favoured, as *Joseph* was; the King hath for your honour altered your name, as *Joseph's* was; you have honoured and enriched your parents, brethren, and kindred, as *Joseph* did; for he gave them the land of *Goshen* for their maintenance; and for their great honour *Joseph's* kindred was made known unto *Pharoah*, as yours are to our *Cæsar*. Now, my good Lord, since you follow *Joseph* so near and so far, leave him

him not to the end. *Joseph* was sent before to provide bread for God's people, to prevent a famine: and since you are set up, (for why may we not think of you, as *Mordecai* did of *Hester*, "Who knoweth, whether you are come to the kingdom for such a time?") endeavour both to prevent and provide, that there ensue not a famine or dearth of spiritual food in this land; neither that this we have be ever mingled, or made unfavoury with the *Romish* leaven.

We do not read of any servant almost better respected of his Lord and Master than *Eleazer* of *Damascus*, whom *Abraham* meant, (had he died childless) to have made his heir; and we read not [of] any service he did *Abraham* more (at the least greater) than in the choice of a wife for his son *Isaac*. Among the servants of our Patriarch, the Defender of our Faith, we observe none better respected than yourself; for the King hath manifested, that he loves not your person only, but takes care for your soul, and labours to make you as good, as great, and as happy in another world, as high in this. Yet we know not wherein you can do him greater service than with *Eleazer* to help to choose a *Rebecca* for our princely *Isaac*. *Abraham's* injunction is a good direction; not to take her among the spiritual *Canaanites*. Princes, in respect of their happiness, and other men's miseries, seem placed in an earthly Paradise, having power to taste of every tree in the garden: where, having also so many Royal branches and Princely stocks to graft on, if they shall only meddle with the forbidden fruit, how dangerous and woful is their condition! for the Serpent will not only beguile the woman, but the *Philistines* will intreat *Dalilah*, and she will betray *Sampson*: so while they plow  
with



176 *Letter against the Spanish Match.*

with our heifer they will unfold [all] our riddles, and undo our State.

Besides, whatsoever language the father speaketh, the birth doth commonly follow the belly, and children do commonly speak the mother tongue; and wheresoever there is this *Babel*, there is confusion, not only of tongues, but of states: whereas *Christ's* church is, like his coat, closely woven, and at unity within itself; though some ignorant itching Separatists seek to find (or labour rather to make) an hole in our coat and church: the Papist lies in wait to make the rents worse, and the desperate *Jesuit*, if he can, will make it past mending: for wheresoever they come they turn *Christ's* coat into *Deianira's* garment; as it set *Hercules* on fire, so they set others on combustion. The reason is, their first founder was a soldier, and ever since "the way of peace have they not known," at least not loved.

To instance in a particular not unfit for the present purpose; we have not heard of any Protestant King that ever married with a contrary religion, save only the last *Henry of Navarre* with the late *Margaret of France*; which marriage so unfortunate to the parties (having never issue, and being afterwards divorced) was also so fatal to our religion, that there was more blood shed at those nuptials, than there was wine spent: for while the *Protestants* dreamed of the glory and security they should have by that match, they were most miserably massacred. And who doubts but the same treachery and cruelty *French Papists* committed in their own country upon that colour and occasion, the *Spanish Papists* could be glad to see done in this Kingdom upon the like: for without breach of charity we may now doubt of their sincere meaning

meaning, though there be a treaty of marriage: since in 88, while there was a treaty of peace, their Armado came upon us.

If therefore we either live or are led by precept or example, we shall find that it was forbidden the best people in the world, and it undid one of the best princes in the world, to marry with a differing religion. The injunction, the reason, and the effect are laid down in Deuteronomy, vii. 3, to the *Jews*; "that they should not take any daughters of the neighbouring nations (though greater and mightier than themselves) to be wives to their sons, for they will cause their sons to turn from God, and serve other Gods; then will the LORD wax hot against them, and destroy them suddenly." All which are verified in *Solomon*, the wisest man that ever was, who married one of the greatest King's daughters that then was; yet we see the weakest sex withdrew the wisest man; for *Solomon* became an idolater, his son a fool, his subjects rebels, and the best part of his kingdom rent from his posterity for ever. Though *Israel* sinned, yet let not *Juda* transgress; though *Solomon*, even one of the sons of *David*, married, and miscarried with *Pharaoh's* daughter, yet let not *Isaac* (the only son of our Abraham) do as some of the sons of God have done; who, because they "see that the daughters of men be fair" (for outward and politique respects) "take them wives of them;" from whence come monstrous enormities, which, like the old Giants, fight against God and all godliness. But as God hath doubtless made his covenant with the King, as he did with *Abraham*; as he hath brought him out of his own country into a better, as he did *Abraham*; as he put into the King's heart to take a late journey, as *Abraham* did, from the south to



the place where his court had been at the beginning, to give thanks unto the LORD: the same God put into the King the same mind he put into *Abraham*, to choose a *Rebecca* among those of the same spiritual kindred, who call only upon one God their Father, and acknowledge one and the same church to be their mother, that so it may be with the Prince, as in many respects, so in this, as it was with *Isaac*, who “took *Rebecca* to wife, and he loved her, and brought her into the tent of *Sarah* his mother, and was comforted after his mother’s death.”<sup>c</sup>

Now if from the book of God (which setteth down the unlawfulness of those marriages with aliens, and strangers from God’s covenant) we descend to our own books and chronicles, we shall find, that God hath crossed, if not cursed, our alliance and association, with that *Spanish* nation particularly; the position of that country and the disposition of the people being as it were so malignant and ill agreeing with ours. The Prince of the greatest performance, that ever this Kingdom, or Christendom had, was the Black Prince; yet our chronicles record, that going into *Spain* to settle *Don Pedro* in that kingdom, (besides the monstrous ingratitude and perfidiousness of that *Spaniard*, who failed in the performance of those conditions he had promised, which caused that miserable revolt in *France*, to the loss of our inheritance) the Prince was so poisoned in that journey, that he never had his health after. But to come nearer to our purpose, and to our own times, which are little the better for our *Spanish* friendship: I beseech your Lordship observe, that all the marriages which the

<sup>c</sup> Gen. xxiv. 67.

heirs and Princes of this Crown have made in *England* for these last sixscore years (except the several second matches of *Henry VIII*) have been only, and no where else but with *Spain*, which how little God hath blessed the success shews.

Prince *Arthur* married the *Spanish* King's daughter: we know God took him away suddenly within a small time without any issue. In a politique respect we would yet make a second match; so Prince *Henry*, afterwards King, married the same daughter; but doubtless God was less pleased with that match, which was less lawful: and therefore God took away all the male children of it, and left only a daughter, in whose short reign was shed more blood for the true religion in six years, than for the false in those sixty succeeding years. We made then a third adventure, and marriage with *Spain*; Queen *Mary* with King *Philip*; which was so discontenting to the people, that it caused *Wyat's* rebellion; so discomfortable to the Queen, that it broke her heart, being left and neglected of her husband; and so dishonourable and prejudicial to this kingdom, that merely for the *Spaniards* sake (we having no difference at all with *France*) we lost *Calais* in six days, which had been in our possession above two hundred years.

Now, if I may make bold to add rather than to apply, and for observation of the contrary, rather than for imitation of the present; (for though I have not so much judgment, nor so little wit, to presume to advise where to match;) yet I assume so much as to think a match at home cannot be held any way inconvenient. We find the first, and the last of our Kings, that ever matched with their subjects, were *Edward IV*, and *Henry VIII*: from which two matches God (as it were to shew the



less we rely upon others abroad the more he will help us himself at home) gave two daughters; two *Elizabeths*, two such Queens, than which there were never two so blessed instruments of God's glory and this kingdom's good, by establishing peace in the land and religion in the church, until his Majesty's happy coming, who brought both with him.

Thus, my Lord, I have made bold to lay my poor single mite at your feet. The many talents you have cannot be better employed than thus to make you here and ever hereafter a good faithful servant to both your Masters. For if you would lay in wait for an opportunity (which is happily and purposely offered you) for advancing God's glory and your honour, you cannot find or invent an occasion more pleasing to God, and more plausible to the best and most men, than in dissuading privately by humble entreaties, and opposing publickly by your solid reasons, this *Spanish* match. Since whatsoever the occasions and necessities of the Crown are, it will find more support by casting itself into the arms of the subjects, (which are the two Houses of Parliament) than by seeking to any foreign fawning foe, or envious enemy; whereunto whenever we lean or trust, we shall find them *Egyptian* reeds, and their intentions bent rather to supplant us than supply us.

By him, that is not ambitious (because not worthy) nor yet afraid, (because not ashamed) to be known to your Lordship in this business.

THO. ALURED.

*To Mr. WINDEBANKE concerning Mr. ALURED's Discourse against the Spanish Match.*

MR. Attorney, whose office is to bring others into the Star-chamber, is now to be brought himself; to the wonder and astonishment of the world. My Lord of *Suffolk* is in very hard case, and would have been in far worse, if, as your great Tennant here told me the other day, things which of late have been discovered, had been known before; which he sayth are many degrees fouler and greater than those which were censured. He could have then been but undone, and so he is now: but perhaps he hath escaped cheaper in reputation. There is one Mr. *Aldred* (sometimes Secretary to the Lord *L'vres*) committed for wryting to my Lord of *Buckingham* a dehortative letter against the match with *Spain*, which they say is more sufficiently than discreetly penned: And yet I cannot see with what judgment it can be written, when he showed to have none in the wryting. I am now both weary and sleepy, but it is because my matter is all spent, and not my affection, Sir, to do you further service, which still increaseth with doing.

Your trew lover

Pray Sir commend  
me affectionately to  
good Mrs. *Windebanke*.

and servant

ROU. WOODWARD.

*Gardener's Lane,*  
the 15th June. 1620.

[Superscription.]

To my worthy  
and most respected Friend  
Mr. *Francis Windebanke*,  
at *Stains-Hill*.



N<sup>o</sup>. XV.

*Instructions to - - - - - Embassador into  
Spain by - - - - -*

Worthy Friend ;

SINCE it hath pleased the State to publish your employment into that hot country, where the complaints of our fellow-subjects find such frosty entertainment, such cold comfort ; I am persuaded, that for your necessary satisfaction you shall easily obtain what for the prevention of the approaching season's inconvenience your providence must earnestly desire, a speedy dispatch. For which cause, from the Cottage, whereunto the apprehension of infelicity hath confined the ambition, that accompanied his youth, your poor, but faithful friend sends you these hasty lines ; at least to let you know, how much (even absent) you possess the mind, that is now burying all hopes, save that of seeing your Virtue one day worthily advanced : a way to which I shall continually pray God's blessing of your industry may make this your employment.

But, Sir, in the time of my folly, when I conceived, that by the survey of other times, and men, I might enable me to do my Prince, and Country service, I found such tickleness in the performance of such charges, that as the Ancients Sacrifices had Gall among their Honey ; my prayers will be full of fear : Not for your person ; that the law of Nations hath privileged *Non modo inter sociorum, sed inter hostium tela incolumem versari* : that runs no hazard

hazard in a State, that knows, how *David* was offended with the King of the *Amorites*; how *Alexander* with the men of *Tyre*; and what revenge they took for wrongs done to their Ministers: especially being employed by such a Master, so understanding points of Honour, and so able to revenge indignities. I know what troubles the beheading of *Mervillier* occasioned between the house of *France*, and that of *Austria*. I know what indignation the late King of *France*, even when he best loved peace, did manifest for a no-great affront done to Mr. *Rochport* his Ambassador in *Spain*, under pretence of justice: I know what satisfaction he received: And therefore though the Court you go to, were as full of troubles, as a worthy Gentleman employed by Queen *Elizabeth* found *Paris* in the time of the Massacre; though your activeness should be as contrary to your humour, as *Mendoza* the Spanish Ambassador's in her time was here; I should not fear, but you might do (and safely) the offices, that appertain unto your place. But my fear is, that your own good nature, integrity, and confidence will not let you fear sufficiently those you deal with, those you deal by, those you deal for: and though it prove but *Forma tri-corporis umbræ*; yet will it not be ill for good *Æneas*, *aciem offerre*, be it *Judicii*. It is the Geryon I would have you overcome in *Spain*: And thus I arm you.

I. Those honourable spies (thank *Philip de Comines* for that title) that were in former times employed by brothers, neighbours, Princes of the same Religion, and whose aims sometimes accorded, have notwithstanding found themselves so much suspected, and so clogged with difficulties in the execution of their Master's errands; that he, which  
well



well could tell, said, he had known *beaucomp de Gens di Bien* *bein Empeschtes* in such affairs. And therefore in these later faithless times, when by the rule of *Quatenus expedit* friendship both lives and dies with Princes of such different ages, so contrary in their affections, in their ends; all Ministers must look to undergo all hateful jealousies: And though they have not guards (as in the antique world) allowed them under pretext of honour to observe their actions; yet eyes they shall not want, to wait upon their goings out and comings in.

But now particularly in the place you go to, you will soon discover by their dilatory answers to your propositions, by their general ill-usage of our Nation, especially Merchants; and to come nearer, by their secret preparation to make use of those ill humours, and affections, which they have maintained, and not in *Ireland* alone; how little they esteem our Master, and his friendship; how much you are to stand upon your guard; not only to avoid the usual affronts and traits, as well in compliments, as business, which every state and Statesman will endeavour to put upon a young Ambassador; but to take heed, that when they shall have found no charm to lay asleep your industry, no mist to cast before your understanding, no bait to win you from your faith, your servants be not by their gold corrupted; your friends, and the well-wishers of your business, by coined rumours, forged letters, or such stratagems, distracted; or you perhaps yourself, when them they find inexpugnable by secret, and suborned informations, made suspected here.

The *Roman* Ambassadors so often visited even *Hannibal*, their enemy, that King *Antiochus* his friend grew jealous. *Castalius*, the renowned Agent  
for

for the Emperor *Ferdinand*, by often sending letters, and secret messengers, found means to set distrust among the *Vaivode* of *Transylvania*'s trustiest servants. And you, or any man of action, may light upon some courtesy, like that of *Hannibal* to *Fabius*, that may procure the ill opinion of your country; unless you learn of *Fabius*, as he did of *Pericles*, wisely to ward it. But you (I know) are stored with such examples to practice, when you see occasion, for your country's service. I only use these few, to shew I have some ground in this first point, to wish you, "*Inimica cuncta credere, ut laqueos vites*:" And more you should have, if I thought your leisure served you to read them.

II. The second point of my chimera, your second danger, is from those you deal by; servants of your own, or other mens' to serve your turn. For the first, I may profess with joy, that no Embassador in my memory hath made so worthy a choice of men (excepting my Brother) so able, and so answerable; and I must confess, the things you shall be forced to trust, I know not how you can trust better. But when I remember, that *Servi Dominorum Hostes*; and that Gold can *per medios ire satellites*; (no unknown axioms to the men you deal with, who, as *Peter Martyr* says, have learned of the *West Indians* to fish with golden hooks;) When I remember, that States, which hold no better correspondence, than they with Northern Nations, will study rather *aux Livres du Coeur d'autrui*, than trust to your own Advertisements, I cannot then but counsel you to commit as few things to as few, as may be.

Mr. *Desbarreaux*, the late Leiger for the *French* in *Spain*, finding the Council thereof preacquainted with his business, complained awhile of slow dis-



patches, and much admired *Taxis's* industry, that sent such speedy, and such good Advertisements. But afterward, being by order to shew to the *Pope's* Nuntio part of a special Letter, and conceal the rest; the Nuntio from the Duke of *Lerma's* mouth strait made it up; and so the good man saw there was false play: For discovery whereof old *Henry* spared no cost, *Desbarreaux* no pain. At length, a Fugitive, to get his pardon, confest his acquaintance, that a young man, the son of one, that had only served, and been advanced by *Villeroy*, was put as Secretary to the former Ambassador, Mr. *Rockport*, and there (upon some spleen) took 1200*l.* of the Marquis of *Denia* to betray his Master and his country: Which negotiation, after his return, and advancement by *Villeroy* to be Secretary of the Cabinet, for more gain he more perniciously continued; delivering *Taxis*, the *Spanish* Resident, copies of all dispatches, till they advertised him, he was discovered: on which he fled, and drowned himself, as you perhaps have heard.

The last Lord *Norris*, during his Negotiation in *France*, met strangely with some Letters of importance; the original whereof fear made him keep: But copies, which his own hand secretly had drawn, he sent for *England* by a Secretary, that had served him before his coming over. Soon after dining with the Cardinal of *Lorrain*, he saw that very servant, instead of bringing back an answer, present himself to hold the basin, while he washt: at which amazed he askt, "*N'estes vous pas mon homme?*" The Cardinal laughing replied, No, no, my Lord, I bred him of a Child; but was content to lend him to your Lordship for a time.

Such sauce Ambassadors, that have been latelier employed, have tasted. But of that when I see you;  
for

for it concerns friends : *Litera scripta manet*. These few examples I have set down the more largely, because, as I conceive, the circumstances teach not only to look to your own servants, but how to make use of other mens; without which you shall hardly do extraordinary service.

You well observed, the place you go to hath no different opinions in Religion, to stir up friends, as in some other countries, to give you notice of occurrents. You have the more cause to bestir yourself: And for your comfort, though store of employment there suffers few stirring spirits to grow so desperately malecontent, as I could wish you instruments; and though the Nation be not that way so dishonourably false to their country, as some other people; yet open but your mouth, your ears, your hands, and be assured, you shall have overtures.

But *Xenophon's* instruction of sending counterfeit intelligencies, must make you wary: lest he, that doth profess himself a knave for money to betray his country, play not the knave with you, and for a better gain commit a small sin, deceive you, that would make him false.

The Duke of *Guise* was killed, and the wise Prince of *Orange* piltolled by men, that served them for Intelligencers. And believe it, you deal with a Nation, that hath playd more double Traits, (such as the Lord *Willoughby* by *Grimston*, and *Redhead* put upon the Prince of *Parma* at *Bergen-op-Zome*) than all the world beside. My second counsel therefore is; Fear those you trust; your honest men; much more your knaves.

III. *Etiam venimus ad Triarios*; if you please, my paradox: Fear those you deal for. Not that you, which serve so virtuous and well disposed a Prince in



all his ways, so constantly affected, and resolved to good, his servant shall ever be commanded an unlawful act; the refusal whereof may bring you into displeasure, or the performance into disgrace. A *Cambyfes* may in his fury command his servant to kill *Cræsus*, and in his better temper execute the disobeyer of his commands, though he be glad of *Cræsus*' preservation. A Prince given over to worldly wisdom may use a *Perez* to rid him of an *Escovedo*; and yet, to save his proper reputation, suffer even *Perez* to be called in question.

But you may be secure, so happy are you in your service; you shall not (as we say) be put to hold the mad dog by the ears; as was that Governour whom *Henry* the eighth first by a publick instrument commanded not to destroy a Fort then builded by the *French*, because he would no way infringe the peace; yet secretly (as being much for his advantage) willed him to see it done on peril of his life: The doing whereof had almost cost the Governour his life. Into such danger the preserving of King *James*'s honour will never bring King *James*'s Ministers.

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## Nº XVI.

### *Decimæ et Primitiæ Collegiorum*

[*in Universitate Oxoniensi.*]

**R**EX Noster Henricus Octavus Decimas et Primitias omnium Collegiorum, per Statutum Parliamenti sibi et hæredibus suis perpetuis temporibus debitas et persolvendas, ex summa et incomparabili sua in bonarum literarum cultores benignitate

tate remisit, ac penitus in ævum relaxavit, quo viz. Scholasticos suos in ardentissimum literarum capescendarum studium vel maxime incitaret et inflammaret, non suum ipsius sed publicum potius commodum, et Scholasticorum penuriam in ea parte pi-entissime considerans. In cujus suæ beneficentiæ memoriam, tametsi per Parliamentum stabilitum sit, ut duo solemnia anniversaria singulis annis pro eodem illustrissimo Rege in nostra Academia per omnes ejusdem Scholares domi existentes celebrentur, et præterea ut unus Prælector publicus conducatur et perpetuo sustentetur ex sumptibus nostrorum Collegiorum, ut ex ipso senatus consulti edicto aptius et prolixius liquet, pro certa tamen et justa limitatione salarii ejusdem Prælectoris, et quantum ex æquo quodque Collegium singulis annis eidem solituum sit, debitâ prius per præsides examinatione habita, autoritate totius cætus magistrorum regentium et non regentium concordatum et sancitum est, ut Collegium Novum solvat regio Prælectoribus per ann.

	_____	_____	LIS - IIIId
Collegium Magdalense	_____	IIII	- OS - XXIId
Collegium Frediswide	_____	XLs	- xId
Collegium Omnium Animarum		XXIIIs	- IXd
Collegium Corporis Christi	_____	XXIIIs	- IIId
Collegium Merton	_____	XXs	- vId
Collegium Reginæ	_____	XVIIIs	- VIId
Collegium Regale de Oriel	_____	VIIIs	- IXd
Collegium de Brasynnose	_____	VIIs	- vId
Collegium Lincolnæ	_____	Vs	- xId
Collegium Exoniense	_____	IIIIIs	- VIIId
Collegium Universitatis	_____	IIIIIs	- Id
Collegium Baliolense	_____	IIIIIs	- Id
Et sic in toto solvant	_____	XIIII	- xs - VIIId

Cujus summæ viginti Marcas pro Prælectoris salario solvendas ordinavit cœtus, excrescentem autem



tem summam, viz. quatuor solidorum, disponendam esse voluit pro ceriis et luminaribus emendis, et infumendis in Missis et exequiis præfati illustrissimi Regis; et hanc ordinationem et limitationem solutionum annuarum decrevit Universitas in libris Commissarii et utriusque Procuratoris continue debere inscribi. Act. 12 die Decembris anno domini 1536, et Regis Henrici octavi 28.

By an act of Parliament not printed in the Court of Rolles de St. 27 Hen. VIII, First fruits and Tenths are pardoned to the Colleges in Oxford and Cambridge, upon condition of maintaining one Publick Reader to be chosen and allowed by Hen. VIII, and to be called his Reader, and to read what Lectures he shall think fittest for the good of the Students: It is a very long Act.

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N° XVII.

*The old Rents of every College in Oxford, according to which they were taxed for the Entertainment of Queen Elizabeth in the 34th year of her reign were reckoned as followeth.*

		£
1	CHRIST Church	2000
2	Magd. Coll.	1200
3	New Coll.	1000
4	All Souls	500
5	Corpus Christi Coll.	500
	6 Mer.	

		£
6	Merton Coll. ———	400
7	St. John's Coll. ———	400
8	Brasenose Coll. ———	300
9	Queens Coll. ———	260
10	Exon Coll. ———	200
11	Oriel Coll. ———	200
12	Trinity Coll. ———	200
13	Lincoln Coll. ———	130
14	University Coll. ———	100
15	Baliol Coll. ———	100
16	Jesus Coll. ———	70
17	Wadham Coll. ———	100
18	Pembroke Coll. ———	100

{ [at that time  
not founded.]

Nº. XIX. \*

*Of the Annual Revenue of the Colleges and  
Halls in the University of Oxford, &c.*

THE total sum of the annual revenues of the  
18 Colleges in Oxford amounts to 23,190*l*.

Out of which may reasonably be abated  
for quit rents, excises, charity money,  
bad tenants, &c. ——— 3,190*l*.

Remains ——— 20,000*l*.

From which if we deduct for the Dean  
and Chapter of Christ Church ——— 2,000*l*.

Remains per annum. ——— 18,000*l*.

Question.

Whether there be any grounds to envy the Uni-  
versity because of this annual revenue? Or whether

Nº. XVIII. See page 196. 18,000*l*.



18,000*l.* or 20,000*l.* per ann. can be alienated to any better uses than the maintenance of these houses of learning?

I answer to this it may be observed ;

I. How many are maintained in the University out of this 20,000*l.* per ann. viz.

- 25 Heads of Houses.
- 526 Fellows of Colleges.
- 362 Chaplains, Scholars, Clerks, Exhibitioners, and Choristers.
- 129 Servitors, and other Servants that lodge in Colleges.
- 301 College servants, who have generally families, which depend altogether on what they have from Colleges.

In all 1343 persons, of whom there are none but what have great part, and most their whole subsistence from this 20,000*l.* per ann.

H. What mischief would follow the alienation of College lands to any other use than they are at present bestowed on.

1. Almost 1000 persons genteely educated, must be sent into the wide world to beg for their livelihood.

2. Above 600 Gentlemen, that live in Oxford on their own charges, must be deprived of their education, and consequently of the means of raising their fortunes. By this the kingdom will want fit men to execute the places of trust in church or state, and our English gentry will be forced to send their children to be bred either at St. Omers, Doway, &c. or else at Leyden, Geneva, &c.

3. The colleges and publick buildings, which stately piles are now the glory of our nation, and the envy of foreigners, will soon fall to ruin.

4. The

4. The utter decay of trade, and the increase of multitudes of poor people within the city of Oxford, occasioned by the undoing of several hundred of families, viz.

Of Butlers, Cooks, Manciples, &c. ut supra ————— 300

Of privileged persons such [as] Barbers, Apothecaries, Booksellers, Bookbinders, &c. 200

Of freemen and others, as Mercers, Taylors, Shoemakers, &c. whose whole trade and employ depend upon scholars ————— 700

—————  
1200

III. How far this 20,000*l.* per annum will go, if alienated to any secular uses.

It is not here designed to insist upon the sacrifice, or injustice of depriving colleges of their lands; but, supposing their revenues might be lawfully seized on by the King or Parliament, the enquiry is, to what publick advantage they might be employed. Now unquestionably the best of all secular uses, to which this 2,000*l.* per annum might [be] appropriated, is the carrying on of the war, and the maintenance of the soldiery; and how far it will go this way is easily thus demonstrated from the above written establishment, whereby it appears that the maintenance of a regiment of 780 foot with their officers requires per annum

£. s. d.  
16,145 - 3 - 4

A regiment of 410 dragoons  
with their officers ————— 20,926 - 13 - 4

A regiment of 450 horse with  
their officers ————— 30,398 - 8 - 4

So that the revenue of the University, which  
Vol. I. A a main-



maintains 1,000 persons, and keeps almost 2,000 others from starving, will scarce pay a regiment of dragoons; so that one need not be any great politician to foresee how much damage would accrue to the publick by any such alienation.

IV. What proportion the allowances of the Heads of our Colleges, and the Fellows and Scholars bear to the pay of the officers and soldiers of a foot regiment.

By consulting the establishment and the valuation of the Headships you'll find that

1. No Head of a College has Colonel's pay.
2. That there are not above four that have the pay of Captain.

3. The rest have no more than

4. Subtracting the value of the Headships (2,340*l.*) out of the 20,000*l.* there will remain but 17,660*l.* to be divided among almost 1,200 Fellows, Scholars, Chaplains, Exhibitioners, Clerks, College Servants, which (one with another) will amount but to very little more than foot soldiers pay.

So that no Gentlemen has any ground to envy Scholars for their revenues, when any of their meanest servants may, when they please, have the proffer of an equivalent.

Coll. & Halls	Heads	Value of the Headships	Number of Fellows	Scholars, Chapl. Clerks, Exh. Chor.	Servitors, Doctors Servants	Butlers, Cooks, Manciples, Grooms, Bed-makers, Launderesses, Porters, &c.	Revenue annual of every College	Number of Commoners
Univ. Coll.	Master	70	12	17			600	40
Baliol	Master	60	12	16			300	25
Merton	Warden	200	19	22			1200	30
Exeter	Rector	70	23	—			600	30
Oriel	Provost	70	18	12			600	10
Queens	Provost	70	15	30			600	30
New Coll.	Warden	250	70	30			3000	6
Lincoln	Rector	70	15	2			390	20
All Souls	Warden	150	40	12			1500	—
Magd. Coll.	President	250	40	58			3600	6
Braz. Nose	Principal	80	20	20			600	30
Corpus Xti	President	120	20	26			1200	10
Christ Ch.	Dean	300	108	40			6000	70
Trinity	President	70	12	16			600	50
St. John's	President	80	50	14			1500	30
Jesús	Principal	70	16	16			300	40
Wadham	Warden	70	15	20			300	50
Pembroke	Master	70	15	11			300	30
Magd. Hall	Principal	60	1 V. Pr.	—			—	40
St. Edm. Hall	Principal	30	1	—			—	20
Hart Hall	Principal	30	1	—			—	20
New Inn Hall	Principal	30	1	—			—	15
St. Mary Hall	Principal	30	1	—			—	15
Gloucester H.	Principal	20	1	—			—	10
St. Alban H.	Principal	10	1	—			—	5
18 Coll. 7 Halls	25 Heads	2340	526	362	129 viz. each Coll 6 each Hall — 3	301 each Coll. 14 each Hall 7	23190	627



## Nº. XVIII.

*An exact account of the whole number of Scholars and Students in the University of Oxford taken anno 1612 in the long Vacation.*

Ædes Christi	Decanus	_____	_____	1
	Canonici	_____	_____	8
	Commensales ad	}	_____	7
	Mensam superiorem			
	Studentes	_____	_____	100
	Capellani	_____	_____	8
	Cantores	_____	_____	8
	Choristæ	_____	_____	8
	Famuli et	}	_____	24
	Servientes			
	Communarii	{ Seniores	_____	17
		{ Juniores	_____	18
Pauperes Scho-	} lares et alii	_____	41	
				Servientes
			240	
			_____	
Magdal. Coll.	Præses	_____	_____	1
	Socii	_____	_____	40
	Famuli	_____	_____	6
	Capellani	_____	_____	4
	Clerici	_____	_____	8
	Philosophiæ	}	_____	9
	Lectores et alii			
	Officiarii			
	Servi	_____	_____	20
	Demies	_____	_____	30
			Com.	

# *Number of Students in Oxford.* 197

	Communarii	24
	Ludimagri	2
	Choristæ	16
	Battellatores	10
	Servientes et	
	Pauperes	76
	Scholares	[246]
Novum	Custos	1
Coll.	Socii	70
	Capellani	11
	Clerici et	
	Choristæ	20
	Famuli	10
	Servientes et	
	Pauperes	18
	Scholares	[130]
Ænea-	Principalis	1
fense	Socii	21
Coll.	Scholares	29
	Communarii	145
	Batellat. Famuli	
	et Servientes	14
	Pauperes	
	Scholares	17
		227
Univer-	Magister	1
fit. Coll.	Socii	9
	Communarii	36
	Famuli	7
		Pau-



	Pauperes			
	Scholares et	}	_____	19
	Servientes		_____	72
			_____	
Merton.	Custos		_____	1
Coll.	Socii		_____	22
	Portionistæ		_____	12
	Capellani		_____	2
	Communarii		_____	15
	Pauperes	}	_____	29
	Scholares	}	_____	
	Famuli		_____	12
			_____	93
			_____	
Regi-	Præpositus		_____	1
nense	Socii		_____	13
Coll.	Capellani		_____	2
	Clerici		_____	2
	Talbolistæ et	}	_____	12
	Grindalistæ	}	_____	
	Indigentiores	}	_____	11
	Pueri	}	_____	
	Communarii		_____	194
	Batillatores		_____	24
	Famuli		_____	8
			_____	
				[267]
			_____	
Omnium	Custos		_____	1
Anim.	Socii		_____	40
Coll.	Capellani		_____	2
	Choristæ		_____	0
				Servi-

*Number of Students in Oxford.* 199

	Servientes	_____	31
	Famuli	_____	19
		_____	93
Exon. Coll.	Rector	_____	1
	Socii	_____	22
	Communarii	_____	134
	Pauperes } Scholares }	_____	37
	Servientes	_____	12
		_____	206
S. Johan- nis Coll.	Præses	_____	1
	Socii	_____	50
	Communarii	_____	43
	Pauperes } Scholares }	_____	20
	Famuli	_____	14
		_____	128
Lincoln. Coll.	Rector	_____	1
	Socii	_____	12
	Communarii	_____	60
	Batellatores } et Pauperes }	_____	27
	Scholares	_____	
	Famuli	_____	9
		_____	109
		_____	Ma-



Balio- lense Coll.	Magister	_____	_____	1
	Socii	_____	_____	11
	Scholares	_____	_____	13
	Communarii	_____	_____	70
	Pauperes } Scholares }	_____	_____	22
	Famuli	_____	_____	10
				<hr/> 127 <hr/>
Oriel Coll.	Præpositus	_____	_____	1
	Socii	_____	_____	18
	Communarii	_____	_____	30
	Batellatores	_____	_____	24
	Famuli	_____	_____	6
				<hr/> 79 <hr/>
Trinita- tis Coll.	Præses	_____	_____	1
	Socii	_____	_____	13
	Scholares	_____	_____	11
	Communarii	Seniores _____		21
		Juniore _____		31
	Batellatores et Pauperes }	_____	_____	31
	Scholares	_____	_____	
	Famuli	_____	_____	8
				<hr/> [116] <hr/>
Jesu Coll.	Principalis	_____	_____	1
	Fam.	_____	_____	6
	Socii et Discipuli }	_____	_____	16
		_____	_____	
	Communarii	_____	_____	37
	Famuli	_____	_____	9
				Pau-

*Number of Students in Oxford.* 201

	Pauperes } Scholares }	— — —	22
		—	91
Corpus Christi Coll.	Præses	—	1
	Socii	— — —	20
	Discipuli	—	20
	Capellani	— — —	2
	Clerici	— — —	2
	Choristæ	— — —	2
	Communarii } Seniores }	—	6
	Communarii } Juniore et }	— — —	10
	Batillatores	—	8
	Famuli	— — —	4
	Servi	— — —	14
	Pauperes } Scholares }	— — —	5
	Servientes	—	94
Aula S. Mariæ	Principalis	—	1
	Communarii	— — —	37
	Servi	— — —	10
		—	48
Aula Magd.	Principalis	—	1
	Magistri	— — —	13
	Bacalaurei	— — —	14
Vol. I.	B b	Com-	



## Number of Students in Oxford.

	Communarii	}	_____	110
	et alii		_____	
	Scholares		_____	18
	Batillatores		_____	5
	Servi		_____	_____
				161
Aula Edmundi	Principalis	}	_____	1
	Communarii		_____	34
	Batillatores		_____	12
	et Servi		_____	_____
				47
Aula Latarum Port.	Principalis	}	_____	1
	Magistri		_____	25
	Bacalaurei		_____	21
	Communarii		_____	62
	Scholares		_____	_____
	Famuli et Servi		_____	22
				_____
				131
Aula Glo- cestri	Principalis	}	_____	1
	Magistri		_____	22
	Bacalaurei		_____	5
	Communarii		_____	26
	Scholares		_____	8
	Famuli		_____	_____
				62

*Number of Students in Oxford.* 203

Aula Albani	Principalis	_____	1
	Communarii	_____	34
	Batillatores	_____	17
	et Servi	_____	
			52
Aula Cervina	Principalis	_____	1
	Magistri	_____	11
	Bacalaurei	_____	10
	Communarii	_____	35
	Servi	_____	14
			71
Novum Hospi- tium	Principalis	_____	1
	Magistri	_____	4
	Bacalaurei	_____	1
	Communarii	_____	17
	Fam.	_____	7
			30
	Sum. totalis [2920]		



N<sup>o</sup>. XX.

*Out of the Journal Book of the Expences of all  
the Buildings of Christ Church College  
Oxon; which I had of Mr. PORE of  
Blechinton.*

**P**AID to William Thomas, Plummer of Oxford, for LVI lb. of solder at 4<sup>d</sup> the pound.

Spent about the Femerell of the New Kitchin, and fundry gutters pertaining to the same xviiiis viiid.

It appeareth there that the walks about Christ-Church Medowe were made of the earth that was digged for the foundation of the College.

Payments made for the making, framing, and kerving of the new vault of the roof of the Quere within the foresaid College.

Costs and expences done there from the xivth day of November, in the xxth year of the reign of our Sovereign Lord King Henry VIII, unto the xxixth of the same month.

*Friday's Quarry.*

Quarries at *Cotteswold.*

*Barrenton.*

*Edinton.*

*Burford.*

*Stowe the Old.*

*Sherburne.*

*Brokynton.*

*Lepers Quarry at Taynton.*

*Lambert's Quarry.*

For mending of a glass window in the Choristers chamber iiijid.

Paid

Paid to Thomas Hewister, for carriage of earth and rubble from the fayre gate and the new stepull, to fill the ditches on the backside of the College, CLVI loads at a peny the load, by computation XIIIIS.

Payments there for the making, carving, framing and garnishing the vault of the roof of the new Church of the said College.

Paid to William Frere of Oxford for the new making, mending and repairing of the highway leading between *Boll Shipton* and the cross standing upon *Hedington* hills, for the more speedy conveyance of stone, timber, and lime, to be carryed from fundry places to the said work, over and above xvl. paid by the hands of Mr. Nich: Townly, Priest, master of the said works, and by a book of parcels thereof, made by the said William Frere, then being purveyor of the said works, doth particularly appear at large xxxiiii<sup>l</sup> - viiis - vd.

Item for viii locks and xvi keys of fundry sorts and prices, for the doors of the four new lodgings at the hall end, and the south town, and the fish houses, and other doors xviiis - iiii<sup>d</sup>.

Item for six plates for the griffin's foot standing upon the femerell of the kitchin, pondering xvii pounds and a half iis - iiii<sup>d</sup>. quad.

Item for two stays for the vane of the said griffin xi<sup>x</sup>d.

Item for a stay bar for the church door, pondering xvii pound iis - id ob.

Item for mending and repairing of old locks and hinges to serve for doors in Peckwaters inn, for the masons lodgings xviii<sup>d</sup> ob.

Item to James Fleming, &c. for making Scaffolds for the taking down of the old stepull iis - 4<sup>d</sup>.

Item



206 *Expences of Buildings at Ch. Ch. Oxford.*

Item to William Hobbs and Richard Cooper for bringing in of the bell-frame in their drinking time *iiid.*

To haymakers for the cart horses in Frideswide Mead *xxs.*

Paid to John Adams, Free Mason, for carriage of 124 load of Gravel from St. Giles's to the works, at *iiiiid* the load *xxxis.* And to Thomas Hewister for like carriage of 143 loads from St. Edmund's well to the work at the like price *xxxviiiis.*

To Jo. Norton for *xxvi* C. paving tiles of yellow and green, for the new Hall, at *iiis - viiid* the hundred *vil - os - xvid.*

To James Nicholston of *London*, Glazier, for *XLVII* of my Lord Grace's arms, set up in the windows of the new hall of the said College at *vis - viiid* the piece, *xvi - xiiis - viiid.* And for 246 bends or poses called *Dominus mihi Adjutor*, set up in the same windows at *xiiid* the piece every one, *xiii - os - vid.*

To Tho. Hastings, &c. for helping the Plummer at Wallingford to take down old lead there with other stuff, and setting up of the same in safe custody *xxxvis - iiiid.*

Item for two crows for the Carpenters to take down the bells with, pondering *xviiib, iis - id ob.*

Costs upon the new frame of the Alms House wrought at *Kirtlington.*

Lyme Kills at  $\left\{ \begin{array}{l} \text{Kirtlington.} \\ \text{Staunton.} \\ \text{Beckley.} \\ \text{Hedington.} \end{array} \right.$

To Tho. Watlington, Warden of the Carpenters, for making, planking and rayling of the new bridge standing over the water in *Cowley Mead*, between  
tween

tween St. Edmund's well and the east side of the said College, with the making of two new gates, one of them containing twelve foot in length or wideness, another twelve foot in height, and the other containing eight foot in height and ten foot in wideness: one of them standing near unto St. Edmund's well, the other standing near unto a place called our Lady in the Wall.

To Jo. Mylls, Edward Arnald, Rich. Styll, Christopher Leech, Robert Haule, Jo. Stagpole, Jo. King, Jo. Andersey, and other Free Masons and Setters, in reward for their diligence in applying of their labour in setting upon the new Town at the east end of the new hall of the said College, on saturday after their hour accustomed to leave work *xiiid*.

Paid to Mr. David Griffiths, Priest, for his stipend for wages, as well for keeping of the Monastery of St. Frideswide and saying of divine service, after the suppression of the same unto the first stalling of the Dean and Canons in the said College, as for his labours in overseeing of workmen dayly labouring there; in all by the space of thirteen months, as by a letter made at my Lord Grace's commandment, directed to the Dean of the said College, doth appear *vii*l.

Mr. Rowland Messenger Controller of the works.

Mr. Jo. Smith Auditor of the works.

To Robert Carrowe for drawing and laying of *ximccv* of Boards in lodgings at the Almes house and at Glociter College at *xiiid* the C by convention *cxiiis - vid*.

Also paid to Tho. Cowper and Philip Lentall, Clerks to the auditor of the said works, for their diligence as well in casting and trying of all the said



208 *Expences of Buildings at Ch. Ch. Oxford.*

said books, from the first beginning of the said works unto the breaking up of the same, in all by the space of five years, LXVIS - VIIID.

The whole sum of all the buildings cannot be gathered hence, because the book wanteth the beginning and ending; but as much as may be I have gathered the whole sum of that book, out of the particular expences and sums as they are cast there at certain times, which in that book are called xvnes. i. e. as I suppose Quindens, because at every fifteen days end the whole expences of those fifteen days are summed up, and set down at the end. The beginning of the first fifteenth in that book is wanting, but the ending of it is there; namely, upon the xvth of November, whereof the charge ariseth, as in the same appeareth, unto ccxviii<sup>l</sup> - xvs - vid ob.

The second Quinden is from Nov. xivth 20 Hen. VIII. to Nov. xxixth. Expences 166<sup>l</sup> 19s 1d.

The twenty fourth Quinden is from xth Oct. 21 Hen. VIII, to Oct. xxivth.

Then follow some additional expences.

Whereby it appeareth that this Journal containeth only one years expences and no more. Sum total of the expences wherein for the building were 7835<sup>l</sup> 7s 2d.

From whence may be computed the whole of what was laid out, the College having been five years in building.

Project for an Academy Royal  
( 209 )  
N<sup>o</sup>. XXI.

Sir BALTHAZAR GERBIER's *Project for an*  
*Academy Royal in ENGLAND.*

*How far the King hath already gone in, for*  
*erecting his Academe Royal, or College of*  
*Honor, without charge to the Crown, or*  
*without any other charge, but voluntary or*  
*free contributions.*

May it please your Grace,

**T**HE King's most excellent Majesty, being often and earnestly moved thereunto, by your Lordship, upon my humble solicitation, and his Majesty's most royal sense of the thing, is favourably pleased:

I. To take knowledge that the addressees to his Majesty for the founding, and establishing an Academe Royal, Society Heroick, or College of Honor, were noble in their matter, and for the greater good both of the King and people.

II. That his sacred Majesty in his high wisdom, and bounty, did royally assent to the erection, and establishment of the same Academe, under the name and title of King JAMES his Academe, Society Heroick, or College of Honor.

III. That towards the said foundation, and institution, his Majesty vouchsafed to assent, that the



Lords, and other worthy persons of the said Society (to be each of them thirty years old at the least, and no way interested by profession in any set form of study, but free to fair life, and books of Honor) should be incorporated as a body politick, like as any other corporation within his Majesty's dominions, under the great seal of *England*.

IV. That the said corporation or Academe, should pass under the name, or title of King JAMES his Academe, Society Heroick, or College of Honor; so called, because nothing but Honor was to be stood upon therein.

V. That it should consist of a superior and inferior order. The superior to be for protection, and grace from without; the King as Founder, and our Kings after him; the prince as his second; your Grace (my Lord Duke) as chief patron under them, and so forth of some others, as is in the plot itself. The main body to consist of a President, Vice-President, four Registers, other Officers, and seventy Fellows, or Associates.

VI. That the said Academe Royal, Society Heroick, or College of Honor, should have and enjoy a common Seal, the device whereof I propounded to his Majesty, that upon the face it should have his royal effigies in a chair of state, with his name and arms, and in the ring,

#### IACOBUS REX FUNDATOR COLLEGII.

Upon the reverse King *Solomon* in a throne, visited by the Queen of *Saba*, with some such words of Scripture as signify the cause of the Queen's access, being wisdom, and the love thereof. His Majesty willingly approved the first side, but would not as then allow of the reverse, out of a princely fear,

fear, lest his modesty might suffer, as ascribing *Solomon's* parts to himself.

VII. That they of this society (beside all other their immunities, privileges, and exemptions) shall have a special ensign, as an ornamental distinction, proper to their order, yet but only personal, a black silk riband, and at the same a badge, cognisance, or symbol, containing these three letters in massive gold,

**I. R. F.**

Interlaced, under a Crown Imperial:



The sense of those letters

**IACOBUS. REX. FUNDATOR.**

VIII. That it should be lawful for the said right noble society to build a College, or meeting-place, for themselves, in or near unto *London*, as they



shall think fittest; and also to purchase lands in Mortmain to a certain good yearly value, out of common and free contributions.

IX. That all the said society, if they were Noblemen, or Gentlemen, should bear their arms with an inscocheon of the Union, in perpetual remembrance of King *James*, their Founder; and if they were not Gentlemen of arms till that time, but Gentlemen of Quality only, that then they should have fair armories given them as Esquires, and bear the said honorary inscocheon as the other, with some small abatement.

X. That all of the society, under Lords, shall take place of all others of their own ranks, that is to say, Knights before Knights, and Esquires before Esquires, unless they be specially privileged.

Finally,

His Majesty was further pleased, not only to confirm all the faculties, and functions, propounded for the said right noble society, but graciously added, that the censure of all books, which handled not things divine, should belong to the President, Vice-President, and the more part of the said society, at the time of the censure assembled.

*The reasons that moved his Highness Prince Henry, to labour for the setting up of an Academy; and the means by which he would have raised it.*

I. THAT the King's Wards might have a fit breeding, and an education given them in *England*, which

which they had not at all; but in forein parts; where it proved costly to their souls many times as much as to their bodies.

II. That by example of the *French* (who about thirty years ago had no Academy at home, but went into *Italy*, as we do now into *France*) our Nobility and Gentry might learn those exercises in *England* in their youth; and spend their money at home, rather than in other countries. And that if afterwards they affected travel, they should go with minds better confirmed; with less expence of tyme and mony; and be able to show themselves less ignorant at their coming hither, than now they do; whereby we yield the *French* and other nations an occasion to undervalue us; and therein cause our country to suffer more dishonour than needs; seeing we may provide against it.

III. That his Highness perceived the Nobility and Gentry of *England* too much given to ease, because they wanted occasion of morning meetings for exercise; which by the advancement of this work they would be brought unto; as likewise into a place of assembly (yet altogether wanting in *England*) where they might learn fashion and civility; and by these parts of exercise and breeding be able to do his Majesty honour, at the entertainments of Princes and Embassadours; in which shows here are so few now that do appear, as we cannot perform it with that advantage the *French* do, who have their education at Academies.

IV. That his Highness found it a work propounded in Queen *Elizabeth's* time by Treasurer *Burley*, who nominated all St. *John's*, the place for the bringing up of the Wards, but his death prevented the effect. And Prince *Henry* was wont to say, that (though all good works are hard to be  
ac-



accomplished) yet he saw no reason to hinder the bringing of it to pass; and no doubt he had performed it, had God been pleased to have given him a longer life; for his earnestness in it was as much as could be, and he had prepared all manner of means for it.

*The means by which he would have raised it.*

I. That he would have dealt with the King his father for some allowance towards it out of the Court of Wards; as a thing proper, both in conscience and honour. And that those who compounded for Wardships, should pay the more; which no honest parent could deny, both in regard of the Ward himself, and the love of his Country.

II. That he meant to have procured of his Majesty, that there should have been a consideration in judging the fines of the Star-chamber, for an assistance to this good work.

III. That he intended to have tried all the worthy minds both of the Nobility and Gentry, that either loved him or their country, to contribute with himself, for the bearing of the rest of the charge, in the erecting of his Academy; for the learning of the Mathematiques, and Language; and for all kinds of noble exercises, as well of arms as other. To which purpose there was a Bill signed by all such Noblemen and Gentlemen as were then asked; which Bill his Highness did leave with me, as his Agent in that business, which I have ready to bring forth.

And to show that he meant to leave nothing untryed for the performance of the design, he was resolved to have gotten as many horses out of his Majesty's Stable and Race as he could, for the better furnishing of the Academy; and to have been exceedingly liberal also, out of his own Stable and Race,

Race, to the same end; meaning himself in person to have come into the Academy once a week ordinarily, to have seen how that which he so much affected, prospered; and to have exercised there, as he did at St. James's; and to have proceeded yet to the seeking of farther means, (if need were) for the bringing of his work to perfection. But at the very instant it pleased God to take him away; who can, and, I hope, will raise another to accomplish what he so nobly intended.

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Nº XXII.

*A Taste of some Observations intended upon things most remarkable in the History of this Kingdom, from the Norman Invasion till the 12th year of our virtuous Sovereign CHARLES the first, whom GOD have in his precious Custody:*

[Written by Sir HENRY WOTTON.]

*The Preface to my said Discourse.*

I HAD a good will, being conscious of mine own unprofitable obscurity, to do somewhat at least that might help to illustrate the memory of others: But in this deliberation, taking mine age into counsel, I felt it too late for me to attempt  
any



any large historical complement. And besides I must confess I was ever a friend to brevity. Whereupon I have resolved only to express (as it were) the juice and substance, like a kind of chymical extract, out of the lives and reigns of our royal Monarchs of either sex, and to research with freedom (for I write under a King whose glory is the truth) all their proper characters, and endowments, beginning with the Monarch's stirpe, because the former times are more covered and misty.

### *Of WILLIAM the First.*

WILLIAM the first was a child of fortune from his cradle: We do commonly, and justly stile him the Conqueror, for he made in general a conquest of the kingdom, and people, [by composition or arms;] suppressed in great sort the former customs and laws, and introduced new behaviour and habits; which under shew of civility were in effect but rudiments of subjection. Lastly, he was near the imposing and (as I may term it) the naturalizing of his own language; at least he both made it, and left it current in all Courts of plea, whereof is yet remaining no small impression.

[Besides his achievements by force, I note a great secret of State silently wrapped in his high Tenures of Knight-service. For those, drawing as well Marriage as Wardship, gave him both power and occasion to conjugate at pleasure the *Norman* and the *Saxon* Houses, which by degrees might prove a second conquest of affections, harder than the first.]

Rarely had been seen for such a prize an evenier tryal by battail than that at *Hastings*; both

Both Commanders acquainted before with adventure and peril, both animated, and edged with victory: in their number, through confused report, I can collect no enormous disparity: in their persons equally valiant: and for any right of merit in the cause no difference between them, but this, that either the one must keep a Kingdom ill gotten, or the other get it as ill. What were the many errours, or what principally gave the day, so long after, is hard to affirm. Well we may conjecture, that on either side the fight was constant, and fierce, and surely undeterminable without the death of one of the chiefest. For the *English* would not run away, and the *Normans* could not. After this his success, his not marching immediately to the great and head City, when terour would have swept the ground before him, but coasting about, for so the most have delivered it, more like a progress than a pursuit, as if one single battail had given him leave to play with his fortune, may seem strange according to the maxims of war: but let all discourse cease; states have their ends, and periods, as well as natural bodies, and we were come to our tropick. In his further proceedings I find him most helpt, and another time most hindred, by the Clergy, then of mighty perswasion with the temporal Lords, and people; which taught him afterwards a lesson, when he was fast in the throne, how to rivet his own greatness, by changing the Natives into *Normans*, or any other aliens of his proper choice into the highest Ecclesiastical dignities. Then was *Stigand*, the Metropolitan, in a synod formally and fayrly deposed, being too stiff for the times; which was indeed the wringing poynt, though other objections made more noyse. He was crowned on *Christmas* Day,



anno Domini 1066, at which time he would fayn have compounded a civil title of, I know not what, alliance, and adoption, or rather donation from *Edward* the Confessor; as if hereditary kingdoms did pass like New-year's gifts: The truth is, he was heir of his sword. Yet from these pretences however there sprang this good, that he was thereby in a sort engaged to cast his government into a middle or mixt nature, as it were between a lawful successor and an invador. Though generally (as many new empires do favor much of their beginnings) it had more of the violent than of the legal.

One of the first things in his intent, but in effect one of the last, was the effecting of that which we call the *Winchester* Roll, being a more particular inquisition, than had been before, of every hide of land within the precincts of his conquests, and how they were holden; whence we may account a full resettlement of Lordships and propriety through the realm.

Quære, for I find it obscure, whether possessions had not for the most part remayned all the while before in a kind of martial disposure, or perchance little better. We have at this day a better knowledge of whom he doubted, than of whom he trusted; which I believe were very few. Certaynly his reign must needs be full of dangerous apprehensions; and his nature was prone enough to entertayn them, as may fully appear by the event in two personages, of all other the likeliest to sit fast about him; namely *Fitz-Aubert*, or *Fitz-Osborne* (so he is diversely termed) and *Odo*, one of his own brothers by the same womb. These two had each of them contributed towards his enterprize 40 ships a piece, and were the first foundation of his fortunes, both in strength, and example. But what became of them?

them? marry, after they had been here dignified with earldoms, the one of *Hereford*, the other of *Kent*; *Fitz-Osborne* (as some report) was executed [under him; or (as the most) was discarded into a forraign service, for a pretty] shadow of exilement: and *Odo* his brother was a prisoner even at the time of his own death. So heavy with some minds is an over weight of obligation; or otherwise great deservers do perchance grow intollerable presumers; and lastly, those that rayse stand ever in some hazard to be thought likewise the fittest depressours. I have sometimes been tempted to wonder, how among those jealousies of state and court, *Edgar Atheling* could subsist, being then the apparent, and indubitate heir of the *Saxon* line, but he had tryed and found him a Prince of limber virtues; so as though, peradventure, he might have some place in his caution, yet he reckned him beneath [his fear].

He was contemporal with three Popes, *Victor* and *Alexander*, the second of that name, and *Hildebrand* alias *Gregory* the seventh. *Victor* took the first hold of him by ratifying his nuptial contract within the degrees forbidden; which is none of the least arts of the *Roman* Hierarchy, for the chayning of princes, and their issue to a perpetual dependance. *Alexander* drave it somewhat farther by sending [his Banner] to this invasion; for they have always been frank of their blessings to countenance any great action; and then if it should prosper to fasten upon it some pretence or other; as here, first of all came in a challenge of homage, forsooth by promise, which though the Conqueror ever eagerly disavowed, yet, I know not how, by the cunning encroachment of *Hildebrand*, who succeeded, he did abase, and let fall the sovereignty into more servitude towards that see (as our authors charge his time) than



had been since the name of Church or State amongst us; which stealing steps of intrusion upon the Crown I shall remark with special care as I shall proceed, it being the best fruit of my labour.

Now for the constitution or character of his person, or mind; he was not of any delicate texture; his limbs were rather sturdy than daynty; sublime and almost tumerous in his looks and gesture; yea even in his oaths; for they say he used to swear *By the Resurrection of the Son of God*. By nature far from profusion, and yet a greater sparer, than savor; for though he had such means to accumulate, yet his forts, castles, and towns which he built, and his garrisons which he mayntained, and his feastings, wherein he was most sumptuous, could not but soak his Exchequer: Besides, the multiplicity of rewards which hang upon such acquests, and likewise certayn secret waste Pipes of *Espiall* through the realm, no less chargeable than necessary for new beginners. But above all I must note the *Pope's* legates and drainers, which began here to be frequent in his time, and are no where cheap.

One strange and excellent fame doth follow him; that the land hath never been so free from robberies, and depredations, as through his reign; scarce credible in such a broken, and shuffling time, if it were not so constantly delivered: But, it should seem, to ingratiate himself with the vulgar (with whom there is nothing more popular than security) he made it a masterpiece of his regiment; and perhaps action had pretty well evacuated the idle people, which are the stock of rapine.

His Wife, the Lady *Magdalena*, brought forth four sons, and six daughters; and, besides her natural fertility, we may count her pregnant almost of a conquest; for her father Earl *Baldwin* of *Flanders*

*Flanders* had the *French* King in tutelage; so as, no doubt, by her mediation he drew a great concurrence, from that Kingdom, and the adjacent Provinces. For these reasons he loved her well; and I find his life little tainted with extravagant lust, for his pleasures were more of the field, than of the chamber; yet he had one illegitimate child, to keep it in fashion, namely, *Deverel* Lord of *Nottingham* and *Derby*.

He left the succession upon his second son, not because he bare his name, though that perhaps might be some motive, nor because he thought him the best timbred to support it: But *Robert*, his eldest son, having openly rebelled agaynst him, and having (as they write) at a casual encounter given him his life, which was too great a gift either to be forgotten, or acknowledged, he had reason to prefer the more obsequious child. And I think we shall need to seek no farther. As for *Henry* his third son, albeit he was born after his father was King, and the two former were but the issue of a Duke of *Normandy*, so as by ancient examples (if examples could carry diadems) he might, and perchance did expect the Crown; yet he left him, by our best relations, a bare legacy of five thousand pounds.

Note the sober measure of that age, when it was a King's younger Son's portion, which is now scant an Alderman's: so much is either wealth increased or moderation decayed.

But let me conclude my notes upon this heroical champion. He died not in his acquisitive, but native soyl: Nature itself (as it were) clayming a final interest in his body. When fortune had done with him, but one thing fell out to disquiet his obsequies; that the place where he should be laid was put in  
suit,



suit, as having formerly, in the time of his power, been wrested from the true owner; which awhile suspended his interment, and became the declamatory theame of the religious men of that age; that so great a conqueror of foreign lands should at last want earth at home to cover him. But it was the last of his worldly felicity; that, for the better establishment of his heir, he survived his victory twenty years, eight months, and sixteen days: for *Tempus omnia concoquit*.

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### Nº. XXIII.

#### *Mr. FULLER's Observations of the Shires.*

THE first came forth *Essex* a Grazier; with *Northamptonshire* a Shepherd. My calves, said *Essex*, are no sooner fat, but *London* consumes them. The same is my grievance, said *Northamptonshire*, with my sheep, no sooner fed, but *London* devours them. Next comes out *Kent*, a Yeoman: but he swore his son should be a Knight: *Northumberland*, a Collier: *Wiltshire* a plain man; complaining that all the Gentry coacht it up to the City, leaving their houses in the country dead commodities; truly dead, hospitality, their soul, being gone, as appears by the never breathing of their nostrils.

Hearing this, *London* enters with a Crown on her head. They snatch it from her, and having tasted already too much of her tyranny, refuse any further subjection, and kick her away. Then would

*Kent*

*Kent* have the Crown for *Canterbury*, famous for the seat of a Metropolitan, and shrine of the Saint *Traitour Becket*: *Essex* for *Colchester*, ennobled with the birth of *Constantine*, the first Christian Emperour: *Northamptonshire* for *Northampton*, which being seated almost in the navel of *England*, and unpartially distant from any out corner, was fittest to be the chief City.

On a sudden comes in a Gyant, *Yorkshire*. The rest, wondring at the vastness of his body, hold their peace: he calls for Madam *York*. In she comes, a good old woman in a freeze coat. What would you do with me? quoth she; speak quickly, for I have a great deal of ale to tun will be sower; and malt to turn, will be burnt, if I depart not quickly. Fie, madam *York* (said *Yorkshire*) scorn, that thy Lord Maiors hereafter should dabble in muddy ale: thou art now to be the Queen of *England*. Then put he the Crown on her head: when instantly she was infected with proud thoughts, comparing her *Coney Street* with the *Strand*, *Ouse* with *Tbames*, *Pavement* with *Cheapside*, *St. Peter's* with *Paul's*.

In came the rest of the Shires, to do homage to their new Queen: *Cbeshire*, the Gentleman; *Rutland*, the Dwarf; *Norfolk*, the Councillour: but many Shires were absent, whom *Norfolk*, having had a fee, excused, as his Clients. *Darbyshire* was so leaden heeld, it could make no speed: besides it was suspicious to be undermined in its absence. *Warwickshire* could not come, being the center of *England*, and therefore against the rules of Philosophy, that it should move. *Leicestershire* was sick of the wind chollick, it had eaten such abundance of beanes. And the same was the disease of *Worcestershire*, it had drunk such a deal of Sider. *Middlesex*,  
not



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not knowing, whether to come in the cloaths of a man, or the shape of a woman, of set purpose absented herself. Other Shires had other excuses. At last comes in a Dr. of Divinity, Dr. *Oxford*; and after him Dr. *Cambridge*, desiring to be excused, that he came last; for *Oxford*, being a young, and youthful University, did easily over-run him; whereas he, being older, could not keep pace with him. Tush (said *Oxford*) I am the ancients University: and you, *Cambridge*, abstain from approaching neer our Queen with your dirty feet, and stinking breath: dirty feet; the uncleanness of your streets; and stinking breath; the badness of your air: and yet if your stinking breath proceeded from your bad teeth, from the coals, that are burnt in your chimnies, perchance it were curable: but it comes from the badness of your lungs, those ever panting Fenns on the north side, that ne're will be mending. The truth was, *Oxford* and *Cambridge* were at so high words, as that they had gone together, if long *Northamptonshire* had not come betwixt them, and parted them: and so for that time all departed.

Up comes *London*, with two attendants, *Westminster* and *Southwark*, complaining, that now the Terms being removed to *York*, they were not able to pay their great rents for their houses. *Southwark* used to be against *London*, but now she was on the same side with her, joined with a bridge of a common calamity. These two agreed to make a new *Thames* of their own tears; and *Westminster* to make a monument for herself. Then came forth *Cornwall*, and *Devonshire*. I scorn (saith *Devonshire*) to go 300 miles to the beggarly City of *York*. But how shall we help it? said *Cornwall*. *Yorkshire* is a mighty Gyant. Tis true, said *Devonshire*, but subtract  
from

from *Yorkshire* the Wildernesſes in *Craven*, the millions of barren acres in *Pickering* Heath, together with the drowned grounds in *Marſbland*, which the *Dutchmen* have made worſe by drayning, and I dare boldly ſay, *Devonſhire* may vie reaſonable ſouls, and good grounds, with *York* herſelf. Then in comes *Yorkſhire* with *Madam York*; *Cornwall* aſſiſts *Devonſhire*; both ſnatch the Crown from *York*.

Then ruſh in all the Shires, with a confuſed tumult. *Briſtow*, a Town well prized, when Letters of Mart were given, and well eſteemed of itſelf ever ſince, claimed the Crown for itſelf. *Devonſhire* challenged it for *Exeter*, a place, where the *Theenes* have a conſecrated place to be buried in, and though a dozen Churches, never a Churchyard, but the Cathedral. *Norfolk* would have it for *Norwich*; and ſwore he would make it good out of *Littleton*, that the thatcht houſes in *Norwich* Market Stead were as handſome, as if they were leaded.

In comes a grave matron, Mother *England*, whoſe preſence commands all ſilence. She reſtores the Crown to *London*, which for the antiquity, capacity, navigability of the river, was fitteſt to be the chief. And whereas (ſaid *England*) you object, that the country Gentry ſo flock up to the City; I perceive his Majeſty (careful that the City ſhould not ſwell to a tympany by the conſumption of the country) will have a provident *Attorney*, who ſhall an-*Noy* all thoſe, who, contrary to the Proclamation, ſhall live longer in the City. And ſhe adviſed the Shires, not to fall out; which were ſo many ſeveral rooms of that houſe, whereof the King was the houſekeeper: conceive *Cornwall* for the porch, *Devonſhire* for the hall, *Somerſetſhire* for the ſummer parlour (for it is too cold, and wet for



the winter) *Cambridgeshire* for the chappel, *Northamptonshire* for the long gallery, *Rutland* for the closett, *Middlesex* for the lodging chamber, *Lincolnshire* for the kitchen, *Yorkshire* for the stable, *Cheshire* for the cheefechamber, *Northumberland* for the colehouse, &c.

At last come in *Cambridge*, and *Oxford*, scolding as formerly. Tush, said *England*, leave off this thread-bare dispute, which of your Universities should be the ancients: that at the last shall be concluded the older, which useth the children of the other with most respect. Then said *Oxford*, when I come to *Cambridge*, do not you write up in your *St. Mary's* in capital letters, FOR OXFORD men: which place is no more kept for me, than the *Savoy* in *London* for poor people, which the good Duke founded for a Spittle, and now its turned to a house for Ladies: but let not me be dispossessed of the benefit of my place. Then, said *Cambridge*, when I come to *Oxford*, do not you make me a place on the North side of your Church; where indeed we can have your Sermon, but not a word of your Acts; as if with Gentlewomen we came to see you speak Latin: but seat me so as I may enjoy the benefit of your Disputations.

And thus having travailed through all the Shires, may you go to *Bedfordshire* at night.

N<sup>o</sup> XXIV.

*An Abstract of the Plate presented to the  
King's Majesty, by the several Colleges of  
OXFORD and the Gentry of the County, the  
20th of January 1642.*

		lb.	oz.	d.
1	THE Cathedral Ch. of Christ,	172	3	14
2	Jesus Coll. ———	86	11	5
3	Oriel Coll. ———	82	0	19
4	Queens Coll. ———	193	3	1
5	Lincoln Coll. ———	47	2	5
6	University Coll. ———	61	6	5
7	Brazen Nose Coll. ———	121	2	15
8	St. Mary Magdalen Coll. ———	296	6	15
9	All Souls Coll. ———	253	1	19
10	Baliol Coll. ———	41	4	0
11	Merton Coll. ———	79	11	10
12	Trinity Coll. ———	174	7	10
		1610	1	18

*The Gentry and Clergy.*

Sir Peter Wich, Comptroler, &c.	360	5	13
Doctor Smith, Parson of Tredington	33	4	0
Plate brought in by William Barefoote	13	10	15
Mr. Leviston, of the Bedchamber	178	5	18
Mr. Andrew Boreman ———	12	2	13
Mr. Hipsley, presented by Dr. Tolsom	103	5	10
		701	10 9



## N° XXV.

*Of the Origin and Progress of the Revolutions  
in ENGLAND.**Written by Mr. M. WREN.*

**T**O take an exact view of the Beginning, and Progress, of those Mischiefs that have devoured the Church and Crown of *England*, it will be necessary to look back to the time when the *Anglican* Church first asserted its own liberties, against the usurpations of that of *Rome*. For though the Reformation was with us managed by the King and Bishops (who had just authority to undertake it) in a very regular and pacific way, yet was it impossible totally to preserve the Nation from that spirit of disorder and sedition, which at *Geneva*, in *Scotland*, and other places excited so many Tragedies. At first an attempt was made to obtrude *Calvin's* discipline upon the Reformers; but they being too judicious to be cheated with such false ware, the Merchants, who vented it, set themselves to traffick with the common People. These were easily persuaded into a bad opinion of their Ecclesiastical Governors, and that the Government itself retained too much of Anti-Christ and Superstition. Besides, these seducers set a varnish on their doctrine, by the pretence of a very refined sanctity in their conversation, from whence the name of Puritans was commonly bestowed upon them.

During the reign of Queen *Elizabeth* this faction  
was

was very diligent in making Profelytes; in which work they were strongly assisted by the concurrence of two external causes. The first was, that the Reputation of *Calvin's* learning having made some dogmatical opinions of his pass currently among us, his discipline at the same time insinuated itself into our fair opinion: so that it was very difficult to find a man, who in the matter of irrelative decrees, Election, and Reprobation, and the like, followed the persuasion of *Calvin*, who had not also strong propensions to the Eldership and Vestry, [or] at least much indifferency to the Establishment of the Church of *England*. The other was the frequent secret machinations, and open attempts of *Rome* and *Spain*, against the Queen and her authority; which having rendered those names extremely odious, it seemed the securest interest to embrace and cherish that party, which professed the greatest aversions to them. Nor did the Faction want their fautors in the Court, who for their own temporal advantage endeavoured to support them, as *Leicester*, and *Walsingham*. Yet for all this they advanced but little in the Queen's time, being looked upon under the notion of persons, whose principles tended to the subversion both of Church and State.

By the death of Queen *Elizabeth*, (the last of *Henry* the eighth's children) without issue, the Crown was translated from *London* to *Edinburgh*. King *James* was a good while before reputed undoubted Successor (though the Queen would never be overcome into the declaring him such) and the Grantees of the Nation held correspondencies with him: which he knew so well how to cultivate, that he needed no other arms than a hunting pole to take possession of the Kingdom. His dexterity was in this principally very admirable, that the Kingdom  
being



being, as it were, besieged by two active but different factions, the Puritan and the Papist, by cajoling the Heads of the Parties, he gained so much confidence with both, that each received him with the assurance of his kindness for them and their cause. But the King, once warm in his Chair of State, presently illuminated the World concerning his real intentions, by adhering to that form of Church government he found in England. He had received too many provocations from the Presbytery of his own Country, and was of too piercing a judgment not to apprehend that discipline to be incompatible with Monarchy. After the conference of *Hampton Court*, in which the Puritan Faction lost all hopes of gaining the King, they returned to the old art of perverting the people; using an extraordinary diligence by Lectures, Conventicles, Libels, &c. to push forward their design. They professed an extraordinary zeal in matters of Religion, charging all who opposed them with inclinations to Popery. They did, covertly at first, afterwards more publicly, asperse the Liturgy and Ceremonies of the Church, as guilty of formality and superstition. They screwed themselves into all good opulent Towns and rich Families (especially such as were governed by women) that being masters of their purses as well as their consciences, they might not only enrich themselves, but be able to tempt to their side such pregnant wits as were destitute of preferment. To this end they erected Schools in every corner, and procured a College or two to be founded in a manner solely for themselves. But above all things they laboured to gain the possession of the Pulpits, having, it must be confessed, among them many of good popular Rhetorick, or, which served instead of it, Vehemency. Hence the  
so

so many Lectures, Afternoon Sermons, Repetitions, buying in of Improvements, and other Arts of the same stamp. You should have heard these Demagogues magnifying their own preaching, applying to it whatsoever is spoken in Scripture of the Apostles preaching, when it was necessary for converting the Pagan World; and withal reproaching all men who had not so strong Lungs as themselves. So that, within awhile, Preaching had almost jostled out of the Church all other parts of public divine Worship; the People relishing nothing besides a Sermon, as being withal the cheapest Way of serving God.

Thus did the evil grow much faster than the remedies; the blame of which must lie upon many of the Bishops, who, being either corrupted in their judgments, or remiss and irresolute in their tempers, neglected the stifling this monster in the cradle: by which the Faction did not only grow and thrive in their particular Dioceses, but other Bishops, who were diligent, were exposed to envy, and reputed men over-active, innovators, and little less than persecutors of godly men. I have heard that a great Prelate<sup>a</sup> of this Nation (having a little before his death a prospect of the ruin toward which our Church did then begin to nod) spent almost his last breath in bewailing the evil consequences of the Powder-Treason. For in that Parliament things were so prepared, that the Puritan Faction would by public authority have been condemned: But the discovery of so horrid a conspiracy deservedly astonishing all men, it was not difficult for those who fomented the Faction, to divert the storm upon the Papists; and so that opportunity of curb-

<sup>a</sup> Archbishop Neale.



ing the Puritan being lost, the course, which was afterward steered, proved to be a false Rumbé, and did rather accelerate than prevent the mischief.

But it is time to leave awhile these malecontents of the Church, and cast an eye upon those in the State; who have an equal share of guilt in the ruin of both. Though King *James* had with such facility attained the Crown of *England*, he notwithstanding entertained a jealousy of the Nation, which discovered itself in most of his actions to the very end of his reign. He took himself to be hated as a stranger in general, and despised as a *Scot* in particular: so that not trusting the affections of the People, he closely endeavoured to make a party of his own Nation, upon whom, in any exigence, he might securely rely. With this design he brought into *England* an huge number of *Scots*, divers of whom he married to inheritrices, and into the greatest families of the Kingdom, and preferred them to the most considerable, and lucrative charges, both of Crown and Court. But the offices, which became vacant, not being sufficient, to satisfy all those whom the King's inclination, or their own hopes, had drawn to Court, the King was content to sustain them with pensions out of the Exchequer; from whence issued yearly in this nature 140,000*l*. This course produced two very evil effects. The first was the distaste the *English* Nobility and Gentry took, to see so many places, which used to be the reward of their services, in the hands of strangers. The other was the impoverishing the Crown, which the King left to his Son deeply in debt, and consequently left him at the discretion of the People for those supplies, he was necessitated to demand in Parliament.

The King also reflecting upon the great power of  
some

some of the ancient Nobility, and how in the civil wars they had the reputation of being able to make or depose Kings at their pleasure, thought it necessary to diminish that authority, which he conceived would be most easily and insensibly brought about by advancing a great number of new persons and families into the same degree of honour and esteem with them.

Thereupon very many new titles were erected and bestowed upon such persons, whom the King favoured, or indeed (when the King's wants grew pressing) upon such, who were considerable for nothing but the money they disbursed. Hence also did flow two very principal consequences; first the debasing and weakening of the Nobility (who used to be the bucklers of the crown) so that his son King *Charles* found no man able to bear the shock, and stand between him and the fury of the people: And, in the second place, the royal interest in the house of Peers came to be impaired. For, whereas in the Queen's time the privy Counsellors and Bishops made the major part of the Lords house, this multiplication of titles so drowned them in a vast number, that their votes were no longer sufficient to incline the House to the King's will.

But the most mortal error was that, the King committed in wholly disarming the nation. For, fearing the martial humour of the inhabitants, and abhorring the trouble, as well as doubting the revolutions of war, he laboured to bury the Kingdom in a most profound peace. To this end he courted the amity of all his neighbours, though upon most ignominious terms; he discountenanced all men of action; he advanced traffick and sought to introduce plenty, that by it he might the better immerse the nation in sloth and luxury. And in



this he was so unhappily fortunate, that the *English* gentry (anciently so renowned for their valour) are enervated with ease, and debauchery, and are become both the prey and scorn of the basest of the people.

Nor must we omit another oversight of King *James*, in winking at the usurpations of the lower house of Parliament. When his necessities forced him to apply himself to them for subsidies, he was content, to oblige them to a more ready compliance, not to take notice of their petit encroachments upon the royal Prerogative; which, though it appeared at first inconsiderable, yet it traced out the way, by which his posterity was undone. And indeed many wise men are of opinion, that most of King *James's* policies were but shifts to avoid present inconveniencies; like those Physicians, who cured the symptom without removing the cause of the distemper.

King *James* being dead his Son at once succeeded to his Crowns and cares. The first storm that fell upon him was from the house of Commons, about the Duke of *Buckingham*; to bear off which the King was fain to use the right hand of authority. And truly matters were presently come to that pass, that the Parliament house was but a field of battle, where the King's prerogative was combated by the People's pretended privilege. In which contests the King was always loser: for, either he was forced to recede from some of his rights, or was put to defend them by dissolving the Parliament, or clapping up some of the seditious Members: Which courses were highly improved by the Malecontents for rendering the King odious to the People.

This turbulent Spirit of the lower House having made the summoning of Parliaments unsafe for the Crown,

Crown, it was necessary to think of some other way to procure monies. Ship money, Enquiry into Forest Lands, and Monopolies were fixt upon, as the most ready and considerable. The first of these, if it were not law, was so like it, that most of the Judges, and great Lawyers of the Nation mistook it for law. The second was a revival of odious and almost obsolete laws, which, being accompanied perhaps with some insolence in the Ministers of it, did very much disoblige the Gentry in divers countries. The last I take to be the least justifiable either in law or prudence; for by these Monopolies the price of divers necessary commodities being enhanced, the common people first, and most, underwent the oppression; who were taught the odious names of Excise, and Gabells, and made to cry out upon a design of introducing the Government of *France*. Besides, the profit came not into the Exchequer, but was swallowed up by those greedy Courtiers, who had begged them of the King. Divers refused the payment of these taxes, and, being severely proceeded with, were cryed up as the people's Martyrs: Though the tameness of the nation afterwards in bearing excise and contribution makes it appear, the King wanted only an army to justify his proceedings.

About the middle of King *Charles's* reign, the highest place both in the Church and the King's favour, came to be possessed by Archbishop *Laud*; who resolved to improve his interest for the restoration of Ecclesiastical discipline, and the settling of a decent uniformity in divine worship through the Kingdom. This gave a mighty alarm to the whole Puritan faction, who saw themselves reduced to a necessity of conformity, or undergoing those censures, that would be fulminated against them.



The way of procedure was chiefly by Visitations in particular dioceses; where order was taken for the suppressing of lectures, and all clancular meetings under pretence of spiritual exercise; for restoring the full use of the Liturgy, where it had been omitted; for the wearing the Surplice, railing in the Communion Table, and some other ceremonies; for punishing those who absented themselves from Church, or behaved themselves irreverently in it; and for many other particulars of the like nature. The execution of all this was committed to the Ecclesiastical courts, where they proceeded to excommunication, suspension, &c. &c. sometimes, but very rarely to deprivation. Causes of greater importance were transmitted to the High Commission at London, who oftentimes condemned the Delinquents in deep pecuniary mulcts; and, if the business had any thing of civil cognizance in it, the Star-chamber interposed, which had power to inflict corporal punishment, as in the case of *Prynne*, *Burton*, and *Bastwick*.

We must not think but that those men, who lay at the catch to traduce the actions of the King and his Ministers, made great advantage of these occasions to corrupt the inclinations of the people. They represented the design of the Bishops to be the introducing of Popery; and that these innovations (so they styled such orders, and ceremonies, as were warranted by law, and, having by the negligence of former Bishops gone into disuse, were now renewed,) tended to nothing else. They charged the proceedings of the High Commission, and Star-chamber Courts as arbitrary, oppressive, and against law. They lamented the case of Religion as desperate; so that by their exclamations you would have thought that the eleventh Persecution had fallen

fallen upon the Church. One of the particulars about which they made most noise was the Publication, by command, of a book, wherein permission was given for honest sports, and recreations on Sundays, in the evening, after divine service. This had been done with an intent to cure the people of a Judaical opinion and practice they had been possessed with, about the observation of the Sabbath. Many Parsons of Parishes refused to read this book, and, being punished for it, were held generally for men who suffered for well-doing. One would wonder how it came about, that the faction in *England* should be so rigid in observing of the Sabbath, when the men of *Geneva* and *Holland*, from whom, in almost all things they took their pattern, are so extremely loose in that point. The reason, I presume, is, because under this pretence they kept the people to sermons, expositions, repetitions, and such like exercises, which were the most useful tools they could employ in their design. I have heard too, from a very credible person, that in an assembly of the heads of the faction in *Lancashire*, it being propounded that it was necessary to take up some new opinion, as the Livery of their party, (their old ones, like drugs kept too long, working very weakly with the people,) by an unanimous consent this of the Sabbath was fixed upon, as carrying most shew of sanctity, and least of self-interest.

A little before the beginning of the fatal Parliament, much slackness was observed in the execution of the penal Laws against the Papists, and, in some of them as much confidence in the exercise of their Religion. At the same time it was known that *Rosetti* and *Con* resided at *London*, as Agents from the Pope to the Queen, and treated frequently with the King, and Ministers of State. This served admirably



mirably the faction, to incense the People, and make them believe the Protestant Religion lay a gasping; and that, unless a speedy course were taken, Popery, which had now overspread the Court, and began to creep into the Kingdom, would suddenly overrun that also. The truth is, a revolt of the Puritan faction being then foreseen, it was an obvious, and innocent policy, to endeavour to ballance them with the opposite faction: But *Rosetti*, before he would promise any assistance in money, demanded such things in favour of the Romanists, which the King could, neither in Conscience nor honour, concede. And so the negotiation was dissolved with very little, or no effect.

The King's enemies also took occasion to accuse the Government, from his slowness in giving assistance to the *Palatine*, and the other *German* Princes, who were oppressed by the House of *Austria*; and from the bad success of the relief he sent to the *Hugonots* of *France*. Nor can it be denied, but that by these things the King lost much reputation abroad, and an opportunity of arming, which, if discreetly improved, might probably have secured him from his domestic enemies.

These are some of the most considerable previous actions, which disposed the matter, and (as it were) burnt all to tinder for that great flame, which has devoured three Kingdoms. The hands that endeavoured to strike fire into it were (not to speak of seditious preachers and libellers) a pack of discontented Noblemen and Gentlemen of this and the *Scottish* nation, who, either by ambition, revenge, or avarice, were engaged to labour a revolution of affairs. Of the *Scottish* nation the principal were *Roths*, *Argyle*, *Lowden*, *Cassiles*: Of our own, *Bedford*, *Say*, *Hamden*, *Pym*, and others; who having  
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their secret meetings did above all things contrive, how to necessitate the King to convocate a Parliament, in which they assured themselves of being able to carry things to their own humour.

There are very strong arguments to induce belief, that the *Romish* party did cooperate with the Puritan to the ruin of the Church. For, seeing they had lost their hopes of obtaining any thing considerable from the King, the undermining the Church, (which the Puritan, they saw, was strongly bent to circumscribe both in authority and revenue) was the only probable way of gaining in time sure footing for their Religion. And this will appear the more credible to him, who shall consider, how favourable to the Presbyterian party, through the whole course of affairs, those Resolutions have been which came from the Queen's side.

Nor did that great Architect of the trouble of *Christendom*, Card. *Richlieu*, stand idle in our case; but did, by agents in *London* and *Edinburgh*, animate the seditious party, with this design, That the King of *England* (in whom was always observed much respect for the House of *Austria*,) having his hands full at home, might not intercept the course of the *French* victories over the *Spanish* and *Imperial* Armies.

But the first occasion which was taken of any public commotion was at *Edinburgh*, upon using the Liturgy, which my Lord of *Canterbury* had procured to be sent into *Scotland*, with a design fuller of zeal than prudence. At the beginning only women and boys were engaged in the tumult; but by degrees the great ones appearing, it was formed into an absolute rebellion, the military conduct of which General *Leslie* took upon him. This man had served with great reputation in the wars of *Poland*



*land* and *Germany*, and had there got together a great estate, and coming to the Court of *England* he expected to have found very high respect from the King, and to have had some honour conferred upon him; but missing of both he immediately applied himself to the discontented party. This revolt of *Scotland* obliges us to speak of the Marquis of *Hamilton*, who, though he kept behind the Curtain, must be looked upon as one of the greatest promoters of the ruin of these Nations. Considering how plentiful a fortune he was master of, and how fair a share he possessed of the King's favour, their opinion will not seem improbable, who hold, that his ambition aimed at no less than a Crown. But his actions and pretensions being very handsomely discovered in the History of *Montroses*, and in a book entitled *Digitus Dei*, it will concern me only to say, that in this business of the Liturgy he dealt with both hands. For, whilst on the one hand he encouraged the King and the Archbishop to impose it on the *Scotch* Kirk, he on the other side exerted the seditious to mutiny against it.

The *Scottish* Rebellion was at the first so weak and disjointed a piece, that it would have served only for a trophy of the King's Justice, and the terror of the disobedient, had the war been vigorously prosecuted. But the nation, on the one side, had forgot to dance to the sound of a drum, and, on the other side, the chief places of command were invaded by such as were suspected to hold correspondence with the Enemy. So that the great Army which the King levied did nothing but exhaust his treasury, which by the courses formerly mentioned had been indifferent well replenished. And here also the King's enemies had the first clear

clear discovery of that irresolution in his nature, over which they afterward so strangely prevailed.

Between the first Pacification and second fit of Rebellion in *Scotland* was a Parliament convened in *England*, and within three weeks dissolved. Many have blamed this as too precipitate a counsel. For the lower house was not then possessed with that evil spirit of Rebellion, which actuated it in the November following. And could the King have been content to bear somewhat less fail, he might have avoided those rocks, upon which he afterwards suffered shipwreck. It is said, that old Sir *H. Vane* was the cause of this dissolution. For having charge from the King to ask six subsidies, he demanded twelve: which great sum putting the House in choler, they presently fell upon such debates, as moved the King to break them up. Sir *H.* was then the King's servant, and might possibly be thought to have mistook: but awhile after he declared himself in the Earl of *Strafford's* trial, to be as much the King's as his mortal enemy, and let the world know he had sacrificed all respect of duty, gratitude, or honesty to his revenge, for having mist the Barony of *Raby*, which he pretended to, when it was conferred upon that Earl.

The *Scottish* Covenanters, having as easily broke the Pacification, as they before had their oath of Allegiance, seemed to threaten *England* with an invasion. To prevent which the King opposed against them upon the borders some considerable forces. But these being worsted at *Newburn*, the enemy possessed themselves of *Newcastle*, and the four Northern counties: by which their brethren of the faction, being encouraged, appeared confidently at Court; where sixteen Lords made some Addresses in their favour to the King. He was now reduced



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to a very feeble condition : he had no army, that would fight ; no money to pay what soldiery was with him : nor scarce any Councillor, or servant about him, who was not affectionate to his enemies cause. So that it was no wonder they extorted from him terms so advantageous for the *Scots*, besides the promise of a Parliament to be assembled on the third of November. It may seem strange, that so many of the King's Councillors and Servants (especially of the *Scotch* nation) who had their total dependence upon him, should prove so perfidious to him. Of which I am not able to give any other account but this ; that in times serene, there having been no occasion to make trial of mens worth, preferments went not by merit, but favour and bribery ; in which it was easy for Buffoons and Pimps to outgo men of courage and fidelity.

The Parliament being ready to meet, the first care of the faction was, by their emissaries in all Counties, to secure themselves of Elections. How, as soon as they were assembled, they by accusations of treason deprived the King of his most considerable Councillors, and deterred the rest ; how they grew upon the King's goodness by the insolence of their demands ; how by tumults they got the Bishops out of the Lords house, and drove the King from *Whitehall* ; how they seized upon the ships and magazines ; and finally how the war was begun, and carried on, I shall not make it my business to relate. The world is full both of books, and pamphlets, who have nothing to do but to teach their readers these events : And the design of writing this was only summarily to treat of the most general causes of those strange revolutions we have seen. Only in passing I shall remark some of the  
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the most considerable passages, and such as seem to have most influence upon the rest.

The King, by consenting to the Earl of *Strafford's* death, the act for perpetuating the Parliament, and other high demands, had stript himself of his authority and means of defence, before he could be convinced of the ill meaning of the Parliament towards him. This flowed partly from the integrity of his own nature, which did not suffer him to enter but very late into suspicion of any man; and partly from *Pembroke, Holland*, and the rest of the Clan (the only Council he had left about him) who by their importunity sapped his constancy, and procured the surrender of all the outworks of the Crown.

The War was scarce thoroughly kindled when the King's party appeared all broken into factions. For the King (though highly gratified both with courage and understanding) not taking upon himself the immediate conduct of his affairs and armies, the variety of opinions and interests among those in power made them presently draw several ways. The two grand factions were those of the Court and Camp. Of the first the leaders were *Culpepper, Hide* and *Asburnham*, who having great authority with the King were exceedingly jealous of Prince *Rupert*, (whom they had in vain endeavoured to oblige) lest by the nearness of his relation, and his happy services at the beginning of the war, he should dispossess them of it. With these joined the Lord *Digby*, whose great and active spirit soon carried him to an open and scandalous breach with the Prince. The first occasion of which was the despite of being refused the command of that brigade of Horse, which attended the Queen from *Newark* to *Oxford*; though *Gerard*, upon whom it



was conferred, had a just pretention to it, as being the Senior Colonel. Of the Camp faction Prince *Rupert* was head, being followed by all such as were commonly called Soldiers of Fortune, whose interest was to make a patrimony of the war. And truly in my opinion the Prince was not so justly to be charged with any thing as his being over-partial to this sort of men: for by it the gentry, who held up the King's cause, were disgusted, and many other great disorders were occasioned.

These factions soon reduced matters to this pass, that the King's business was not carried on with any steady aim, but as it were by impulses: for as this, or that man, obtained the King's ear, so resolutions were taken, very various, if not contrary; and that was pulled down with the one hand, which he had built up with the other. Nay, toward the end of the war, the animosity of factions was come to that height, that the King's service was almost wholly neglected, and the publick good sacrificed to private quarrels and revenge.

Hardly has there been known so strange a mixture as in the King's temper. For though he were blest with an excellent wit, a strong piercing judgment, and a constancy in such things as his conscience assured him were tenable, which the whole world could not remove; yet had he such a remissness, and facility of nature withal, that he would submit his own apprehensions of business to those of very slight abilities, if they were such of whom he had entertained a good persuasion. It has been frequently known, that they who at night have pulled off his doublet or stockings, have at once divested him of the resolutions of the preceding day. And this communicating of business to persons of inferior quality, was perhaps the cause that  
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all his secrets were immediately sold to the enemy; though I know that some great Counsellors have not escaped suspicion in this kind. The King's good parts never discovered themselves, with so full a lustre, as when he was most destitute of counsel and assistance: for then fetching his resolutions from his own reason, not from the advice of weak and corrupt persons, he astonished the world, and convinced even those, whose interest it was to believe the contrary, of the greatness and clearness of his understanding. So that a great Officer of the army (at that time when the King was first in their hands) had reason to say, There was no good to be done upon the King, unless they could find out somebody in whom he reposed confidence, by whom they might hope to lead him.

Many other reasons concurred to the ruin of the King's armies; as, and that principally, the bad management of the Treasury. For though there was money enough stirring, it was swallowed up by the Courtiers, and by private Officers, so that very little came to the soldiery, who being unpaid, could not be kept in any good discipline, but lived at discretion upon the country, and fell into all manner of debauchery; from whence resulted their own uselessness, as to all good service, and the disaffection of the nation to his Majesty's cause.

Another reason of the miscarriage of the war was the multiplication of small inconsiderable Garrisons; which would indeed have been proper for the entertaining a lingering war upon some frontier, but here served only to vex the country, enrich the Governors, and to devour those men and monies, which, employed in one great army, would have rendered the King master of the Campagna, and, by



by making their quarters the seat of war, soon have destroyed his enemies.

An error like to this was the issuing out so many commissions, both for the greatest and for ordinary commands. The great commands, entrenching upon one another, begat confusion in the execution, and controversies between those, who were entrusted with them. The ordinary ones, whilst all men were covetous of them, left nobody to obey, and dissipated the common soldiery. Whereas if a less number of good Regiments had been by Recruits always kept full, the soldiers would have been better exercised, and more ready for any design.

The Battle of *Naseby* having reduced the King's fortunes to that pass, that none of his Garrisons could any longer give protection to his person, he chose rather to put himself upon the *Scots*, than fall into the hands of the Parliament. Some glimpses of hope had been given him by the *Scots* (who seemed discontented at the Independent faction newly sprung up at *London*) of returning to the King's obedience. They had managed the war of the preceding summer with much coldness, and their chief Officers had upon several occasions testified some respect toward the King. By which consideration, and the encouragements he received from the *French* Agent, his Majesty was persuaded to trust his person among them. At first they received him with great demonstrations of affection and loyalty, and carried him to *Newcastle*. But not receiving satisfaction (though he baffled their great champion *Hinderson*) from him in some propositions, after long treating, they most incomparably basely agreed to sell him with the Garrisons they held in *England* for 400,000*l.* to the *English* Parliament. This bargain was in appearance strongly

strongly opposed by *Hamilton*: but it was observed, that in the Parliament of *Edinburgh*, where the resolution was taken, though he, and his brother voted against it, all those, whose votes were known to depend upon his will, gave their assents.

The Parliament thus possessed of the King's person sent him to *Holdenby*, where he continued till the Army fetcht him to *Newmarket*. But, before we can understand that action, we must take a short view of the origin and growth of the Independent faction. Among the Members of the Parliament there were divers of active, and subtle parts, who in the distribution of offices and employments had not obtained such a share as suited with their ambition. These men, aiming to render themselves more considerable, found it very necessary to espouse some new discovery in Religion, without the presence of which there was no possibility of framing a party. By this time the Presbytery, though idolized at first by the whole faction, was found to be a Government highly tyrannical, and far more insupportable than, what they had lately thrown off, Episcopacy. The Presbyters also themselves, being generally men of small learning, violent in their persuasion, and fordid, and illiberal in that condition, had brought their own discipline out of esteem. These discontented Members, taking the advantage of this temper of mens minds, began to complain of pressure of conscience, and to seem to desire a liberty for all to enjoy quietly their own persuasions. By these arts they presently drew to themselves all such persons as were displeased with the rigour of the Presbyterian government, or were greedy of novelties. Nor was it difficult for them to make a great, and speedy progress, the Episcopal party having furnisht them with variety of arguments



guments against the Presbytery, and their own pretence carrying the specious name of Liberty. It was pleasant to observe, how much these men outshot the Presbyterians with their own bow. If they made Episcopacy a line of Anti-Christ, these made all Ordination, and owning of an outward call one of his principal members. If they cried out upon the cruelty of the Bishops and their censures, these exclaimed against oppressing tender consciences and all coercive power in Religion. If they magnified preaching and the gift of extempore prayer, these men did nothing else, and went not about an action of importance without seeking God for a particular revelation. And thus might we instance in very many particulars. The truth is, the Presbyterians having cut off from Religion her two arms, reason and authority, it was not to be expected she should be able to defend herself against the invasion of any monstrous opinions.

The first time this Independent faction appeared considerable in publick was at the new modelling of the Army, when *Essex, Manchester, Waller*, and the rest of the Presbyterian Officers, being for their ill manage of the War fallen into disgrace, were laid aside, and new ones chosen out of this faction. I pass over all the artifices, and contrivances, by which this faction improved itself both within and without the house, as being already known from a hand, that has taken great pains in relating them. Only let me observe the grand error of the Presbyterians in disbanding *Massie's* Brigade, and other forces not of the body of the Army; which, had they been on foot, might have ballanced the Army, and kept them within their duty.

An attempt of disbanding part of the Army, and sending them into *Ireland* gave the first occasion of a publick

publick defection ; which was not presently owned by their great Officers, but managed by private soldiers, chosen by the several Regiments, whom they named Agitators. When by these the great ones had thoroughly felt the pulse of the Soldiers, and found, they would stand by them in any the greatest design, then they abandoned the Parliament, and their pretended endeavour of quieting the Army, and appeared openly at the head of it, as maintainers of the Soldiers in their just desires. Then was it, that they charmed all men with their glorious pretences of restoring the King to his Crown ; peace, and a legal government to the Nation ; the sequestred to their possessions ; challenging nothing for themselves, but their just arrears, and liberty of conscience. Then also was it, that with a party of Horse they fetcht his Majesty's person from *Holdenby* to *Newmarket*. There they entertained him with all possible submissions, giving free access to his friends, and Chaplains, and seeming highly struck with admiration of his person, and with regret that they had fought against a Prince of so rare parts and virtues. Nor is it to be doubted, that the King received the greatest assurances, that can be given by Promises, or Oaths.

And here the King was undone by his own good nature. For whilst he relied totally upon these protestations, he neglected the opportunity of forming a party of his own, by which the Parliament and Army being poised, he might easily become Arbitrator of the difference, and not have remained at the discretion of the victor. It is true, that some thousands of such as had formerly served the King were now listed in the Army ; but being dispersed in several companies, and troops, they gave indeed a great accession of force, and reputation to the



Army, but brought very little security to the King's cause. The unexpected sudden admission of the Army into *London* contributed much to this oversight: for a long defence there being lookt for, most men attended that, as the fairest opportunity of taking arms for the King.

The great Officers of the Army, having with such facility possess'd themselves of *London*, suppress'd the Presbyterian Levies; and by driving away some principal Members of the Parliament, obtained a compliance from the rest; began to go less in their respect to the King, and to interpose new difficulties where nothing but an immediate execution was expected. To carry it off with the fairer shew, a levelling Anti-monarchical Spirit, which began to discover itself in the Army, is made use of; and the King told, these are the men, which hinder them from effecting their promises. At length they endeavour to perswade him, that they are no longer able to retain the violence of this mad party, but that his Majesty's person is in danger from them. Letters are contriv'd, wherein the King is advertised of the greatness and vicinity of the danger, and advised to resolve of some speedy course for his security. By which artifices his Majesty is perswaded to leave *Hampton Court* (which house lying near *London*, and so much in the eye of the Nation, was no proper Theatre for the intended design) and voluntarily to betake himself to the imprisonment of the *Isle of Wight*, whose Governour by a counterfeit affection had deluded his Majesty with the hopes of having him at his devotion. No sooner was the King thus lodged, but it became manifest how little reason the great Officers had to pretend any fear of the disobedience of the Levelers. For by the executing of a private soldier or

two, that party was immediately crushed; and, when a good while after it broke out again, was totally suppressed at *Burford* in *Oxfordshire*.

Some are of opinion, that the King was not in this last action overreached by the Officers; but that having discovered their fraud, and evil intentions towards him, he, by a counter-plot, intended to make use of the opportunity to escape into *Fer-sey*, and had accordingly given order to the person, to whom he committed the conduct of his journey, to provide a vessel for his passage. But coming to the shore, and finding no vessel ready (the disappointment is pretended to be, because the King came some hours later than was appointed) he was necessitated to own, what was never really intended, and put himself upon the honesty of Colonel *Hammond*, Governour of the *Isle of Wight*. But concerning this as well as many other circumstances of actions during the time the King was in the Army's hands, I dare not be very confident in my assertions, seeing that affairs were managed with so much closeness, and communicated to so few persons.

During the King's imprisonment in the *Isle of Wight*, it was a time of great action abroad. The Army, in conjunction with a strong party in the House of Commons, had made the vote of Non-Address to pass, and had several other ways discovered their bad affections both to his Majesty's person, and to Monarchical government. The Cavaliers on the other side, being enraged with the King's danger, their own sufferings, and the false carriage of the Army, began to arm in several quarters of the Nation. The Presbyterians only sat still, as men, who though they did not relish the proceedings of the Army, and Independents, yet durst not trust the Royal party. Indeed the con-



sciousness of having been the contrivers and first actors of that misery, which the King and his friends suffered, together with the large share of King's, Bishops, Dean and Chapters lands, and other booty, they were possess of, rendered them deaf to any accommodation, but upon such terms, as delivered the King up with hands bound to them. Particularly at the Treaty of the *Isle of Wight*, while they stood chicaning, and endeavouring to bring the King beyond the line of his conscience, they lost their opportunity, and were surprised by the Army, before they could bring the business to effect. In this something is to be attributed to the nature of a popular assembly, such as is the lower house of Parliament. For business being there to be carried by a plurality of votes, it was easy for the Independent party (who were pretty numerous, and knew all the by-ways of proceeding) by long speeches, tedious debates, pretended difficulties, and affected delays, to suffocate the progress of business, and hinder the Presbyterians from coming to any timely resolution. And so it happened: for the King's friends being every where lost by *Hamilton's* delaying his march, and he defeated, when he thought to enjoy a cheap and absolute victory; the Army had no hindrance from marching to *London*; where they turned all the Lords, and the greatest part of the Commons out of doors, and began to set things in order for the King's trial.

I am now devolved upon that unparalleled Villainy, which would make the most phlegmatick complexion all choler; and turn the gravest Historian to a Satyrist. But here I must take up. The notoriety of the fact saves one the pains of a relation: and I am not capable of so much vanity, as to engage

engage myself upon a subject, on which some of the most celebrated wits of *Europe* have sharpened their style. The actions, which follow, are clad in too much obscurity, for me to decipher them. Nor would it be prudence to speak freely of them, seeing the interests of those in power may perhaps be too nearly concerned: For it is with truth in History, as with Glass; It does not work well unless hot from the furnace: But those, that deal in it, are observed to be of short lives.

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Nº. XXVI.

*A Letter of Dr. LLOYD, Bishop of Saint Asaph, to Mr. THOMAS PRICE of LLAN-VYLLEN, concerning JEFFREY of MONMOUTH's History, &c.*

Sir,

WHEN you shewed me those pieces of *Robert de Torinneio*, and *Henry Archdeacon of Huntington*, and *Alfred Treasurer of the Church of Beverley*, which Mr. *Morris* had transcribed into his Book of Collections; I did guess, that they were all written after the publishing of *Jeffrey Arthur's* History, and that it was out of his fabulous works that those Authors had taken what they writ of our British Kings. This was then my opinion on the first view of those pieces at your house; but having borrowed the book and read it over at *Llwydiarth*,



*Llwydiarth*, (from whence I ordered it to be brought back to your house) upon this hasty reading of those pieces forementioned, I saw enough to assure me that I was not mistaken in my opinion. And I believe you will be of the same mind, when you have read the account I am now giving you of those Authors, and of the things which I observed in reading them, or rather in running through them, for I had not time to do more. And pray take notice all along, while you are reading these papers, that I distinguish between the things that I say as only my conjectures, and the things of which I know I am certain. The former, that is, my conjectures, I deliver, as being not greatly material to our purpose, though perhaps they may give it some illustration, and may afford you entertainment by the way; but for the proving of that which I have said, I rely upon those things, which I take to be certain, and no other.

First then for *Robert de Torinneio* (as he calls himself) Monk of *Bec* (as either he or *H. Huntington* tells us;) *Torigni* is a town in the Bishoprick of *Bayeux* in the lower *Normandy*. It was a considerable town in that age, as you may see in *William Gemeticensis*. (*W. Gemet. de Duc. Norm. L. vii. 29.*) There it seems that this *Robert* was born; for from thence he had his name; and that in the year 1139 he was Monk of *Bec* in *Normandy*, as appears by *H. Huntington's* Epistle. This *Robert*, as appears by that piece in your Collection, took upon him to publish an Edition of *Sigebert's* Chronicle: for the honour and service of his country, he interpolated it, as he himself tells us, with the Dukes and Bishops of *Normandy*. And because in his time the Dukes of *Normandy* were also Kings of *England*, therefore, as he also tells us, he put in  
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the Kings of *England*, that reigned after *Bede's* time. And because his copy of *Sigebert* ended about the year 1100, he continued *Sigebert's* Chronicon from that time till the year 1150. All this he tells us in that piece in your Collection, which appears to have been his Preface to his edition of *Sigebert's* Chronicon.

From hence I observe, that your *Robert* lived and writ in the year 1150, or some time after, and therefore that your *Robert* might have very well read our *Jeffrey's* History. For *Jeffrey*, as it appears by his preface, [*Gervas Chron.* in *Bee's* edit. of *Decem Scriptores*, pag. 1362: 10.] dedicated his History to *Robert* Duke of *Gloucester*, who died in Nov. 1146; which was some years before the year 1150; in or after which your *Robert* writ the piece in your Collection. Having shewed, that this *Robert* writ some years after our *Jeffrey*, I have done as much as I proposed; and I need not trouble myself any farther to shew, that he can be no voucher for the truth of any of those things that *Jeffrey* says of our *British* affairs. For it cannot be denied that *Jeffrey* might be his author; and then what does *Robert's* authority signify? If the things that he says of our *British* History might be taken out of *Jeffrey*, for aught we know, the very possibility of this were enough to overthrow his testimony in this case. But I shall shew that there is more than a bare possibility, when I come to consider of *Hen. Huntington's* Epistle: for from thence it will appear, that *Robert* not only might have seen *Jeffrey's* History, but that he actually saw it, and that *Jeffrey* was his Author for what he writ of the *British* affairs.

In the mean while I shall give you a conjecture of mine in this place, concerning a thing that I intimated before, in the Preface of my Historical Account



Account of the *English* Church Government in *Great Britain*: there I shewed, that *Sigebert* died in the year 1113. I should have said in the year 1112; as it is expressly said in the Continuation of his Chronicle published by *John Pistorius* at *Frankford*. But there also I shewed, that *Jeffrey* writ his History after the death of King *Hen. I*, which was in the year 1135. And yet there I demonstrated, that several things out of *Jeffrey's* History are taken verbatim, and foisted into the common Editions of *Sigebert's* Chronicle. From hence I inferred, that there is no relying upon the authority of *Sigebert*, in those common Editions, for the proof of those things that *Jeffrey* has in his *British* History. For though it cannot be said that *Sigebert* had those things from our *Jeffrey*, yet it can be truly said, that those things were not *Sigebert's*, but another's that borrowed it from our *Jeffrey*.

Now for the proof of this, which I formerly said, viz. that the things which *Sigebert* had concerning our *British* Kings, were not *Sigebert's*, but some other Authors; for this I cannot wish a better proof than your *Robert* gives me. For he says, in his Preface in your Collection, that "*Sigebert* mentions not one King of *Britain* but *Aurelius Ambrosius*." How? not one more? so your *Robert* tells us. His *Sigebert* had no more but *Aurelius Ambrosius*. It is plain then, that the other *British* Kings, that are in our *Sigebert*, were not *Sigebert's*, but were added by some other, that lived after the coming forth of *Jeffrey's* History.

This is certain; but now for the conjecture, that I mentioned: I see your *Robert* declares, that he published an Edition of *Sigebert* interpolated with the Kings of *England* after *Bede's* time, and with a continuation till the year 1150. I see that this of  
*Robert*

*Robert de Torinneio* in your Collection is his Preface to his edition of *Sigebert*; I guess therefore, that your *Robert de Torinneio* is the same with that *Robert de Monte*, whose Appendix is printed with *Sigebert*; and that your *Robert's* Edition of *Sigebert*, to which the Preface in your Collection belongs, is the same, or near the same, that is published by *Pistorius*; I say near the same, for I confess in this Edition, which *Pistorius* has published, I do not find that account of the Dukes and Bishops of *Normandy*, which I mentioned in your Preface. But here I find the Kings of *England* after *Bede's* time; and I find before *Bede's* time these things said of the *British* Kings in their several places in *Sigebert's Chronicle*, which are taken word for word out of *Jeffrey*; though for *Sigebert* himself we have your *Robert's* word for it, that he mentioned but one of all these Kings; and for that one King he had Authors, with whom *Jeffrey* is not to be named.

That your *Robert de Torinneio* is the same with *Robert de Monte*, the continuation of *Sigebert*, is only my conjecture; which I do not lay any stress upon in this cause; but because it comes in my way, and perhaps will be acceptable to you, I will give you the reasons of my opinion. I observe that your *Robert de Torinneio*, Monk of *Bec*, went by no other name or title till the year 1150, as it appears by your Preface. But this *Robert de Monte*, that continues *Sigebert*, was also a Monk of *Bec* in *Normandy*, as himself says in several places of his continuation; particularly at the year 1180; where by the way I observe, that he speaks of *Robert Fitzhammon* Lord of *Torigni* without any great occasion for it, besides his own relation to the place where I suppose he was born, and from thence had his name *de Torinneio*. There also he speaks of *Roger*, Abbot of



*Bec*, who died in the year 1180. And thence he hath these words of that *Roger*; "In his time there were taken out of the Church of *Bec* twelve Abbots to govern other Churches, and I that write these things was the second of those twelve;" but faith he, "this *Roger* governed the Monastery of *Bec* 31 years wanting ten days." Now take this number out of 1180 there remains 1149; in which year *Roger* came to be Abbot of *Bec*, and after his being Abbot of *Bec*, says this *Robert*, "there were twelve Monks taken out of this Monastery to govern other Churches, whereof I was the second." What part this *Robert* had in Church government appears by his Name; for this *Robert de Monte* was so called as being Abbot of *Mount St. Michael in periculo Maris*. We know not how soon it was after the year 1149 that he came into that prelacy, but in the year 1155 he himself tells us he was then at *Mount St. Michael*. In the year 1161 he speaks of himself among others being Godfather to the Lady *Elenor* the King's daughter, who was born at *Danfront* in his neighbourhood. Again he mentions himself as Abbot of *Mount St. Michael* in the years 1163, 1172, 1176, 1177, 1181, which is his last mention of himself; and soon after this year he seems to have died, though another hath continued his work till 1210. You may find this *Robert de Monte* in the *Normannia Sacra*, if you would know any thing more of him. But this that I have shewed is more than enough for my purpose. I guess that in, or soon after, the year 1150 he writ your Preface, and then being a simple Monk he was called from the place of his birth, *Robert de Torinneio*. Afterwards being made Abbot of *Mount St. Michael* before mentioned, he was called *Robertus de Monte*; by which name he continued the work as long as he lived, and

and he lived to a great age, viz. above 80 years, as we may reasonably judge, by the things that I have mentioned out of his own writings.

This *Robert*, when he writ the Preface, that you have to his Edition of *Sigebert*, thought fit to publish with it the Epistle of *Henry of Huntington*, as well to recommend himself to the world by the good character that *Henry* did give of him in that Epistle, as also to shew, that so famous an Historian, as *Huntington* was at that time, gave no less credit than he did himself to those things that they had read in our *Jeffrey*. This was necessary enough for one that had made such a bold adventure, as he did, by putting such unheard of things into *Sigebert's* Chronicle.

But now for *Henry of Huntington's* Epistle. This Epistle is plainly the same which Sir *Henry Savile* tells us (*H. Hunting. Savilii*, p. 221: 16.) he found in the MS. copies of *Huntington's* works. For saith he, there was another Epistle *ad Warinum Britonem de serie Regum Britonorum ex Galfredo Arthuro*. But your Epistle of *Huntington* is, *ad Warinum Britonem*, and the subject of it is wholly of the succession of our *British* Kings; and in the close of this Epistle he tells you whence he had this succession, namely, from *Jeffrey Arthur* in his History *de regibus Britonorum*: there can be nothing plainer than this.

I had formerly observed (lb. p. 2267.) that *Henry of Huntington* writ the first seven books of his History before the death of *Alexander*, Bishop of *Lincoln*; for he dedicated his work to him, as you may see pag. 169 of *Savile's* Edition. And to him also our *Jeffrey* dedicates his Edition of *Merlin's* Prophecies. But this *Alexander* died in the 13th year of King *Stephen*, as *Huntington* also tells us; which thirteenth of King *Stephen* was in the year



1148. So that in or before the year of our Lord 1148 both *Henry* and *Jeffrey* had published those books which they dedicated to this Bishop of *Lincoln*.

I had also observed, that both the Dedications were made in the year 1139 (ib. 169—49.) or rather sooner, for at the time when *Huntington* dedicated his seven books to the Bishop of *Lincoln*, this Bishop was then, as *Huntington* saith in his verse, *Princeps a Rege secundus*; not that he was the next man to the King, but that he was a great favourite at court. And therefore *Huntington* thus addresses to him “*Præsul Alexander qui flos et cacumen regni et gentis esse videris.*” In like manner our *Jeffrey* saith of him in the prologue of his fourth book, “*Non erat alter in clero sive in populo cui tot famularentur nobiles:*” Speaking of the time when he turned *Merlin’s* prophecy into Latin. But it was in the year 1139 that this Bishop of *Lincoln* fell into disgrace with King *Stephen*, who took from him his Castles of *Newark* and *Stafford*; and though the Bishop weathered out the storm, yet he never recovered his greatness. For these reasons I am of opinion, that both *Huntington* writ his seven first books, and our *Jeffrey* his *British History* in or before the year 1139.

But now by this Epistle of *Huntington*, I find that this is certainly true as to *Jeffrey’s History*; for *Huntington* tells our countryman *Warin* (Append. *Flor. Wigorn.* anno 1139) that he saw *Jeffrey’s History* in that very year: he saith he saw it, as he was going to *Rome* with *Theobald* Archbishop of *Canterbury* (who went thither in the year 1139 soon after *Christmas* as one Author tells us; (*Ric. Hagulstad* among *Bee’s* x Writers, p. 329—22, and *John Hagulstad*, ib. pag. 265.) or, as another more particularly

cularly, about the feast of St. Hilary with Alberic the Pope's Legate, to attend at his Council in Rome, at midlent following. In his way thither Huntington came to the Monastery of Bec (where Theobald was formerly Abbot) and there saith he "*Stupens inveni*, with astonishment I found what I had often sought, but could never find before in any book, viz. an account of the Kings of the Britains before Caesar's time," and he tells us where he found it, viz. "in a book that was shewed him by a Monk there Robert de Torinneo," which book, in the end of his Epistle he tells us, was Jeffrey Arthur de Regibus Britonum.

From hence it is plain that Jeffrey's history was first published in the year 1138; for if it had come out sooner, it could not have escaped so inquisitive a man as Henry Huntington was: It could have been no such news to him when he found it there in that Monastery. The discovery of the year, when Jeffrey's history was first published, I am to thank you for upon many accounts; for it clears to me divers things in the writers of that age, of which I cannot now give you an account particularly, as I hope I may do it hereafter.

But this one thing I shall tell you at present, which is not altogether beside my purpose; I have oftentimes mused why our Jeffrey, who was himself for twenty years Bishop of St. Asaph, should take no notice of the Founder of this See. He hath some things of St. David, of Daniel of Bangor, and two or three other Bishops of the Britains, but not a word of our Kentigern, nor any other of his predecessors. This indeed I should have taken very ill of him, but I found that he had ignorance enough to excuse any omission: the few truths that he lighted upon, and pricked in here and there, amongst



amongst his fictions, are so crudely delivered, and so confounded with his mistakes, that it had been almost as good that they had been quite lost, as that they had been no otherwise preserved. But for his omitting our *Kentigern* and *Asaph* and the rest of our Bishops, it might be said, that when *Jeffrey* writ his history, he had then no relation to this See; for he was of *South Wales*, I suppose, as he was Archdeacon of *Monmouth*, and he was consecrated Bishop of St. *Asaph* by Archbishop *Theobald* the 23d of Feb. 1150, which was not till some years after he had writ his History. (*Gervas Chron.* in *Bee's Collect.* p. 1367. 20.)

And as for *Gilbert*, who was *Jeffrey's* immediate predecessor in this See, though I believe that neither of them ever saw it, he was consecrated Bishop of St. *Asaph* in the year 1143, by the same Archbishop; but from *Asaph* to *Gilbert* I cannot find any mention of any Bishop of this See in any Author whatsoever. (*Ibid.* 1359, 20.)

But now, as to the reason of this omission of *Jeffrey's*, I am pretty well satisfied. For in the *Norman* times, and especially under King *Hen. I.* there was a great devastation of this part of the country; insomuch that no Bishop could live here: for I find it in the year 1124 (*Stubbs de Pont. Ebor.* p. 1718. 53.) "pro vastitate et barbarie, episcopo vacante;" and therefore I do not wonder that *Henry of Huntington*, in that part of his History which ends at the death of King *Hen. I.* viz. at the year 1135, saith of *Wales*, that there remained in it three Bishopricks, one at St. *David's*, another at *Bangor*, and a third at *Glamorgan*, [and] hath no mention of St. *Asaph*, which shews that it was not then remaining. And now I find that our *Jeffrey* writ his History in the year 1138, which was five years before  
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*Gilbert* came to have the title of Bishop of *St. Asaph*, I conclude, that there was no Bishop there at the time when our *Jeffrey* writ his history. It is very possible, that so ignorant a - - - as he was might not know there ever had been a Bishop of that See. And I dare say he was no prophet, though I believe, as *Nubrigensis* did, that he made those prophecies himself, which he fathered upon *Merlin*. Yet I believe he could not foresee that there would be a Bishop of *St. Asaph* within five years after, much less that he should be Bishop of that See within twelve years after the writing of his History.

Next for *Alfred* of *Beverley*, whom as I remember you took to be Treasurer of *York*, but indeed he was Treasurer of the College of *Beverley*, of which College the proper title was the Church of *St. John* Archbishop of *York* at *Beverley*; and so, as I remember, it is called in your Collection. This *Alfred* writ two books of History, which you have in your Collection; the first is *De gestis regalibus regum* Britanniae; the second is *De gestis regulorum et regum* Angliæ, which extends from the beginning of *Hengist* till the death of King *Hen. I*; which was in his 35th year, though the title promiseth till his 28th year. But our business is only with the first book. In the preface whereof he gives us the reason why he set about this work: "In diebus silentii nostri, when we could not give God the things which were God's, et tamen cogebamur reddere *Cæsari* quæ *Cæsaris* erant;" which he explains in the following words, "quod propter præsentem excommunicatorum multitudinem secundum *Londinensis* concilii decretum a divinis cessabamus, et regiis exactionibus afflicti vitam agebamus tædiosam, grassante oppressione qua, expulsis ad regis edic-



edictum de sedibus suis ecclesiæ nostræ columpnis, diu graviterque vexatus sum." He saith, "in those miserable times ab horis canonicis vacabam." And yet then not to [be] altogether idle saith he, "I fell to read such books as I could get." He goeth on in these words; "Ferebantur tunc temporis per ora multorum narrationes de Historia *Britonum*," and these he tells us were grown so much in vogue, that "he was counted a clown that had no knowledge of such narrations." It seems that poor *Alfred* was one of those clowns; for he saith of himself, "I was ashamed in all companies, quod præfatam historiam necdum attigeram. Quid plura? quæsi vi historiam, et ea vix inventa." It seems there was scarce any copy of it to be had, they were all so caught up, but at last with much ado *Alfred* borrowed a copy; and saith he, "I set myself to read it, and I would have transcribed it, but I had no time, and I was not rich enough to bear the charge of another's transcribing it for me," and therefore as far as my time would permit "de præfata historia quædam deflorare studui." He did not abridge every thing that was in the book, but left out, as he himself saith, such things as were incredible. I observe, for example, that *Alfred* left out the old wives tales of *Arthur's* killing the giants, but he took in all the romantick story of *Arthur's* victory over *Lucius Hiberus*, and all the other Kings between *India* and *Spain*: that impudent silly romance poor *Alfred* thought was not incredible; yet *Alfred* was not quite a stranger to good books; for saith he, "when I had made these extracts," (which no doubt are the *Deflorationes Galfridi*, which *Bale* and *Pitts* speak of, as I observed in my Preface forementioned) then saith *Alfred*, "I set myself to read other Authors, viz. *Justin*, *Suetonius*,  
Eu.

*Eutropius, Orosius, Gildas, and Bede*, to see what they had which was not in this *Historia Britonum*." And what they had more being added to his extracts, these things together made up his first book, as he tells there in his Preface.

Now that the *Historia Britonum* here mentioned was no other but *Jeffrey's* History, I did guess before I saw *Alfred*, and I told you the reason; because of the book of *Alfred's* writing, which is mentioned by *Bale* and *Pitts*, under the name of *Deflorationes Galfridi*. But now I am certain it is *Jeffrey's* by what I find in *Alfred* himself: there are divers passages by which I could prove this, but I shall mention but one which is enough to put this matter out of question. It is in the fifth part of *Alfred's* first book; where giving an account of King *Arthur's* keeping his Whitsunday at *Caerleon*, he saith, the *British* History reckons up all the Kings that were with him, and adds at last "præter hos non remansit Princeps alicujus pretii citra *Hispaniam*, qui ad istud edictum non veniret." They are the very words of our *Jeffrey* in the fourth chapter of the viiith book of his *British* History, which *Alfred* has been speaking of all this while. They were *Jeffrey's* *Narrationes*, or tales, that filled all men's mouths; and poor *Alfred* was accounted a clown for knowing nothing of them; till he got *Jeffrey's* book, which made him ample amends for setting him up for an Historian.

This is so certain and so plain, to my thinking, that I should wonder *William Morris* had not seen it while he was transcribing this book, but that I see what it was that misled him in the entrance of his work. He saw in the beginning of the Preface, that immediately before *Alfred* came to meet with his *British* History, there was a cessation of divine



offices in the Church, on account of the multitude of them that were excommunicated, according to a decree of a Council of *London*; and that at the same time they of *Beverley* were oppressed with the King's exactions; and that, by an edict of the King, the chief pillars of the Church were driven forth, to the great grief of poor *Alfred*.

The reading of this put Mr *Morris* upon an enquiry at what time all these things should be, and he pitched upon the 2d year of King *Hen. I*; when indeed there was a Council of *London*, and either then or soon after, the King made great exactions upon his people. Now if this had been the time which *Alfred* speaks of in his Preface, then indeed there had been some occasion to imagine, that the *British* History, mentioned by *Alfred*, had been another, that had been written before that of *Jeffrey* of *Monmouth*. For it is certain, that *Jeffrey* writ his after the death of King *Hen. I*; for *Jeffrey* himself mentions it in his Preface.

But as I have manifestly proved that it was *Jeffrey's* History, and no other, that *Alfred* speaks of so often under the title of *Historia Britonum*, so it is certain, that the time that *Alfred* speaks of in his Preface, was not the time that Mr. *Morris* has pitched upon, but some other time after the year 1138, in which *Jeffrey* published his History.

That it was not the second year of King *Henry I.* viz. 1102, it appears, because the state of things at that time does not fully answer *Alfred's* description: there was then indeed a council at *London*, as there was very often before and after; but then there was no interdict, no cessation of divine offices in the Church, that we read of in any history: there was also about that time great exactions, as there were frequently in the time of the *Norman* Kings, but  
there

there was no King's edict that we read of for the banishing of them, that were the Pillars of the Church, out of *Beverley*, or any other place that I know of. I will not stand to prove negatives, and the matter does not need it, for it is certain, that all this description belongs to another year, which was long enough after the publishing of *Jeffrey's History*.

It is certain, that on Midlent Sunday, March 30, 1147, (*Gervas Chron. in Bee's Collection*) Pope *Eugenius* the third being then in council at *Rheims*, deposed *William* Archbishop of *York*, who was son to King *Stephen's* sister, because he was said to be elected upon the King's nomination. It is certain also, that after long debate about this, (*Job. Hagulstad, anno 1147.*) the Pope himself then at *Triers*, consecrated his own antient friend and fellow Monk, *Hen. Murdac*, to be Archbishop in his stead, on Sunday the 7th of December in the same year. The next year *Hen. Murdac* came into *England* to be enthroned, but the King would not own him as Archbishop, nor would the City of *York* receive him. They of the Clergy that would own him had their livings taken from them, some were cruelly beaten, and all were banished out of the City; by which all the authors and instruments of this violence, incurred the sentence of excommunication, by virtue of the decree of the Council of *London* in the year 1143, which you may read in these Authors (*H. Hunt. 8vo Stepb; Brompton in Bee's Col. p. 1031. 57; Gervas, ib. 1358. 20; W. Nubr. L. 10.*) Hereupon Archbishop *Henry* interdicted the City (*W. Nubrig. 1. 17.*) and excommunicated all those that were against him, throughout his whole Province. By which means having made the Country too hot for him to live in, he went to *Da-*



vid King of Scotland, who was then at *Carlisse*, and there he kept himself out of harms way. The next year, viz. 1449, King *Stephen* came to *York*, for fear the *Scottish* King should invade him upon this occasion; and then understanding that the Clergy of *Beverley* had owned the new Archbishop without his leave, (*Gervas*, ib. 1366. 62; *Job. Hagulst*. ib. 278. 15.) he came thither himself, and laid fines upon divers; what he did there besides I do not find, save that he would have built a castle there, if *St. John* of *Beverley* had not deterred him by a vision: "diu graviterque vexatus sum" saith poor *Alfred*, who lived then at *Beverley*. It was from the beginning of the year 1138 till towards the end of the year 1150, that the Clergy and people of that place were, as it were, kept upon the rack and torn with violence, between the King and his officers on the one hand, and the Archbishop backed by the Pope on the other. At last the King was feign to submit. But that concerneth not the business in hand: I was only to shew you the time of those troubles that *Alfred* described in his Preface; and that, I suppose, I have done to your satisfaction. I have shewn that there was a Council in *London* in the year 1143, by whose decree all those were to be excommunicated that should offer any violence to the Clergy. I have shewn that in the year 1143, and after, there were many that did offer violence to the Clergy, and therefore were subject to be excommunicated by the decree of that Council. I have shewn that a multitude were excommunicated by the Archbishop of *York*, and that he published an interdict in his Province, upon which there was a cessation of divine offices in the Church. I have shewn that the King did exact upon those that obeyed the Archbishop, and that even at *Beverley*;

verley; where, though I have not read, that he drove away them that were the pillars of that Church, yet I read that he did this at *York*, and he had the same reason to do it at *Beverley*. I have shewn that this miserable estate of that Church continued long enough to have that doleful description in *Alfred*, and that this was after the time in which *Jeffrey* published his History, viz. after the year 1138, and yet not so long after, but that *Alfred* had not seen *Jeffrey's* History before these troubles in his Church, though many others had seen it, and their mouths were full of *Jeffrey's* Narrations; and *Alfred* was accounted an ignoramus for being a stranger to them at that time, which had been an unreasonable censure upon him, if this had been soon after the publishing of *Jeffrey's* History. Books did not spread then, as they do now since the invention of printing.

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Nº. XXVII.

[*Letter from the Bishop of Oxford (FELL) to the Archbishop of Canterbury (SANCROFT;) concerning the affair of Printing in the Universities,*]

May it please your Grace,

THERE having bin a complaint made at the Council Bord, by the King's printers, against Mr. *Pitt* and the other undertakers of the *Oxford* press;



press; whereupon the said Mr. *Pitt* and the Vice-chancellor of the University, are summoned to appear before the Council on Friday next: Mr. Vice-Chancellor happening to be abroad, I have directed Mr. *Pitt* to attend upon your Grace: and whereas the privileges of the University of *Cambridge* are the same with those of *Oxford*; least in the managery of the affair some damage may happen to the interests of *Cambridge* as well as ours; I have ordered him to obey your Grace's direction, in whatever may concern the Universities interests. The matter in dispute is the right of printing Bibles in small forms; wherein if we are justified, the advantage will extend to our Sister University; and indeed to the whole Nation; our printing having already brought down the prizes of Bibles more than one half; and will probably have a farther effect of excluding the *Dutch* Bibles, which, to the equal shame and damage of the nation, supply half this Kingdom, all *Scotland*, all *Ireland*, and all our Plantations. I recommend the affair to your Grace's thought and consideration, and remain

Your Grace's obliged and

most humble Servant,

Jo. Oxon.

N. XXVIII.

N<sup>o</sup> XXVIII.

*The State of the Affair of Printing in the  
University of OXFORD: Jan. 6th, 1679.*

I N the year 1672, several persons, Members of the University of Oxford, namely, *John Bishop of Oxford, Sir Leoline Jenkins, Sir Joseph Williamson, and Dr. Thomas Yates*, taking into consideration the low estate of the manufacture of printing in this Kingdom, and particularly in the aforesaid University, deprest by the combination and monopolies of Traders; and thinking it might be useful service to the publique, and the interest of learning, and in especial manner of the University, to redeem the said manufacture from the ill circumstances under which it lay; took upon themselves the charges of the Press in the said University; and at the expence of above *four thousand* pound furnisht from *Germany, France and Holland*, an Imprimery, with all the necessaries thereof, and pursued the undertaking so vigorously, as in the short compass of time which hath since intervened, to have printed many considerable books in *Hebrew, Greek and Latin*, as well as *English*; both for their matter and elegance of paper and letter, very satisfactory to the learned abroad, and at home, and have at present in the press several books of great and publique concern.

But the said persons, seeing themselves under pressing difficulties, by the spight and combination of Booksellers and Printers against them, found it advisable to engage in their concerns some men of trade :



trade : and accordingly about a year and a half since, took to them Mr. *Moses Pitt*, and some other *London* Booksellers; who, having among other things, set themselves to the printing of Bibles, have actually brought down the price of Quarto Bibles, with Common Prayer, Psalms, and Apocrypha, from 13s - 4d, unto 5s - 9d: and Octavos from 8s - 8d to 4s - 2d; whereby they have so provok'd the King's Printers, who had the monopoly of that book, and made an extravagant gain to themselves by the publique damage; that they now molest the said Mr. *Pitt* and his partners, summoning them by an Order of his Majesty's most honourable Privy Council, as also the Vice-Chancellor of the University of *Oxford*, and all persons concerned in printing at *Oxford*, to appear before that board on the 16th day of - - - - - upon suggestion that the said Mr. *Pitt* and his partners have broken some order of that board of the years 1628 and 1629, made with the mutual submission and agreement of the King's Printers, and the Printers of the University of *Cambridge*: unto which the University of *Oxford* are no otherwise parties, than that it is by a subsequent order declared, that it was his Majesty's intendment, that the benefit of the aforesaid orders should be extended to them. Which orders Mr. *Pitt* and his partners are ready to make appear that they have not broken, albeit they conceive themselves no otherwise concerned in them, than as a favour and advantage which they are at liberty to wave.

For the clearing of this matter, it may be useful to take notice, that the Right of the University of *Oxford* to the liberty of printing, stands upon a quite different bottom from that of the University of *Cambridge*. For long before the invention of printing,

ing, the multiplying and increasing books by writing was a privilege of the University of Oxford; and all men and trades employed therein were privileged persons of the University, as it is accorded 18 *Edward I.* "Coram ipso domino Rege et ejus concilio ad Parlamentum." But when the art of Printing was invented, *Thomas Bourchier*, Archbishop of *Canterbury* and Chancellor of the University of *Oxford*, moved King *Henry VI.*, that the said Art might be brought into this Kingdom, and contributing 300 marks towards that purpose, sent over two persons to *Harleem*, who enticed one *Frederick Corfellis*, a workman there, to go into *England* with them; who, being conveyed to *Oxford*, there set up printing; who in the year 1468 (within a few years after the first invention) had finished *S. Hierom's* "Tract on the Creed," and afterwards several other books yet extant.

And the said University continued in the possession and use of the said manufacture, without interruption, till the 13th of Queen *Elizabeth*; at which time there passed an act for incorporating the two Universities; wherein it was enacted among other things, that they "may severally have, hold, possess, enjoy, and use all manner of liberties, privileges and other things whatsoever they be, the which either of the said corporate bodies of either of the said Universities, had, held, occupied, or enjoyed, at any time, or times before the making of this Act:" consequently it is by an act of Parliament granted to them, that they might use, possess and enjoy their liberty of printing.

And therefore it is observable, that when King

\* In truth *Rufinus's*; though it be yet printed in the last Tome of *St. Hierome's Works*.



*Henry* the VIII gave Charters to the two Universities, that to *Cambridge* - - - - to have three Printers, whereas no such thing was granted - - - - - their Charter, tho' it was most ample, and obtained for that - - - - - in [its] greatest flourish; that University being entitled before to the liberty of printing, by long usage, and never had it granted by Charter till the time of King *Charles* the first; whose Grant recites the said usage, and thereupon confirms the right of printing *omnes et omnimodos libros publice non prohibitos*; and interprets the meaning of that phrase to be only to restrain them from printing books by law or publique order prohibited; not from those, for the publishing whereof a privilege was granted. It is likewise to be noted, that the beforementioned Charter of King *Charles* I. to the Universities, was perpetual; whereas that to the King's Printers then on foot was temporal, and now is worn out; so that if the University of *Oxford* depended entirely in their right of printing on the said Charter, and were to comport with the privileges granted before to the King's Printers, and the orders of the Council Board, pursuant of them; this can only oblige during the date of the said Patent to the King's Printers; but thenceforward the University will be at large to act according to the utmost extent of their Charter; notwithstanding that the King's Printers do renew their term. So that upon all accounts, the King's Printers are injurious in the molestation they at present give to them who print at *Oxford*.

It may be farther considered, that the King's Printers have never yet taken care to supply the kingdom with Bibles; but, in all times, the generality of sale hath been made out from *Holland*, to the manifest damage of this Nation; unto the importing

porting of which from abroad, the unreasonable prices set upon Bibles by those who had the monopoly here, gave abundant encouragement, notwithstanding all restraints laid upon the importation.

Besides it is notorious, that the said King's Printers have had little regard to the letter, or paper, or correctness of what they printed; being sure, that while they had the monopoly, whatever their books or prices were, they should make their market: Whereas for the future, if the printing in the Universities do proceed, these inconveniences must necessarily be removed, and all will be obliged to print well, and sell cheap.

Lastly, the University of *Oxford*, by their printing of Bibles, and other saleable books, will be enabled to go forward with those other less vendible; which they design, and are in hand with, for the honour of the Nation, and the benefit of Learning.

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N° XXIX.

*The state of Bible Printing as it has been of late and is now in ENGLAND.*

**I**N the time of the late Rebellion, the printing of Bibles having been laid in common, the prices of them became very reasonable. But upon his Majesty's happy Restoration, the King's Printers, recovering the privilege of their Patent, and having evacuated the like privilege which belonged to the University of *Cambridge*, by oppressing with vexatious suits their Printer, *Field*, and afterwards pro-



curing the University's interest to be lodged with one *Hays*, whose circumstances were such as rendered him obsequious to them; and making no reckoning of *Oxford*, whom they saw imployed in building their Theater, the finishing whereof was to precede all attempts of printing; took upon themselves a monopoly of Bibles, especially in all the most useful and portable volumes, which they sold at very unconscionable rates, whereby the poorer sort in the nation became utterly unfurnished with Bibles; and others were exacted upon in what they bought; which practice continued till about *five* years since; at which time, the Theater Press being settled in the University of *Oxford*, and the King's Printers refusing to pay the usual rent to them for their forbearance of comprinting, and also molesting them in the printing and sale of such Quarto Bibles as they had undertaken, Bibles in all forms were printed at the Theater in *Oxford*: so soon as this was done, Bibles in Folio, which had been sold for 6*l*, fell in their price, to 1*l*. and 10*s*; Bibles in Quarto, which had been sold for 13*s* and 4*d*, were sold for 5*s* and 6*d*; Octavos, which had been sold for 6*s*, were sold for 2*s* and 8*d*; Duodecimos, which had been sold for 3*s*, were sold for 1*s* and 4*d*; Testaments, which had been sold for 1*s*, were sold for 5*d*. So in Common Prayer Books; Folios, sold for 8*s*, were sold for 4*s* - 6*d*; Octavos, sold for 1*s* and 6*d*, were sold for 10*d*; Duodecimos, sold for 1*s* and 4*d*, were sold for 5*d*. And Books of Homilies, which had been sold for 6*s* and 8*d*, were sold for 3*s* and 6*d*. Besides the ease given to the nation, in lessening thus the prices of Bibles and Service Books, there has been wrought an advantageous change in the number of them; for now almost every one, however indigent, is encouraged to buy; and

and very many well disposed persons have laid out considerable sums of money, for great quantities of books, to be distributed in charity to the poor; so that there has been *four* times so many Bibles printed, as were used to be, to the great benefit of souls, and their advantage in Christian knowledge. There has likewise been made a considerable improvement in reference to trade; for whereas great numbers of *Holland* Bibles were imported into *England*, and that *Scotland*, *Ireland*, and our *Plantations*, were in a manner wholly supplied by them, they are all now mostly furnished from hence. The King's Printers, aggrieved at this state of things, at this time endeavour the reinforcing their monopoly, and have preferred a Bill in Chancery against those, who have promoted the printing of Bibles in *Oxford*, hoping thereby to set aside the Right of both Universities, and free themselves from any check in their exorbitant proceedings for the future.

It is humbly conceived, that not only both the Universities are deeply concerned in this affair, but the Government may think it worth publick consideration; for if this design of monopolizing Bibles and Liturgies take place, not only the before experimented mischiefs, but more and greater will certainly ensue.



N<sup>o</sup>. XXX.

*Letter from Dr. WALLIS to Archbishop SANCROFT, concerning the Right of the University of Oxford to the printing of Bibles, and other privileged Books.*

April, 15. 1684.

May it please your Grace,

**A**S to that Question concerning the right of the University of *Oxford* to the printing of Bibles, and other privileged Books; we state it thus.

The University, we conceive, had a Right by Prescription to publish books (lawful to be published) or multiply copies by writing, by our *Scriptores* and *Illuminatores* (before the invention of printing) without restraint; who were owned as members of the University, *eo nomine*; and were so acknowledged by a Settlement in Parliament, 18 *Edward I.*

And by usage, ever since the inventing of printing (which at the care and great charge of the University was brought first into the Nation, and exercised in *Oxford*, long before it was in *London*, or any other part of the Nation) to do it by printing.

This usage (which we conceive gives a right at common law) is confirmed to them by Act of Parliament 13 *Eliz.* long before any Patent of Restraint.

Since the use of such Patents (which first began  
in

in 19 *Elizabeth*) the University have two Charters of 8 *Charles* I, whereby they are authorized to print and vend *omnimodos libros publice non prohibitos, editos vel edendos*, any statute, act, ordinance, provision, proclamation, or restriction to the contrary notwithstanding. Which, as it is later than former Patents of Limitation, so it is antecedent to any Patent the King's Printers have now in being: That under which they now act bearing date 11 *Charles* I.

After this, by another Charter of 11 *Charles* I, reciting the Universities antient usage, and the confirmation thereof by Act of Parliament, and an Order of Restriction, of Star Chamber, 23 June, 28 *Elizabeth*, and several Grants of Privilege to the Company of Stationers, to *Robert Barker, Christopher Barker, John Bill, Bonham Norton*, and others; and (consequent to these) the Charters of 8 *Charles* I. to the University; with some doubts then suggested, whether *libri publice prohibiti* did not extend to such as were by Patent restrained to the Stationers, King's Printers, and the like; which (as was pretended) were thereby prohibited to all other. He doth expressly declare and interpret, that such privileged books are not intended under the words of *books prohibited*: But that the Printers of the University may lawfully print and vend, as well all and every such books so privileged, as all other books whatsoever, not publickly prohibited; And that no Letters patent of *Queen Elizabeth*, *King James*, or his own, already granted or thereafter to be granted, should be construed or reputed to be any impediment to the said Printers of the University, which then were or should after be: But that they may lawfully print and vend *omnimodos hujusmodi libros publice non prohibitos*.

And



And this Right of the University themselves have owned: contracting with them by Indenture of 20 March, 1636, for *three* years, to pay 200*l*. (whereof the Company of Stationers, Mr. *Norton*, and the King's Printers, were to pay their several proportions) to the University yearly, to forbear the printing of those privileged books.

And the like, by indenture of August 12th, 1639, for *three* years more.

During the wars, the University Printers printed his Majesty's Proclamations, Declarations, and such other privileged books at *Oxford*, notwithstanding the Patent to those at *London*; and furnished his Majesty with a press for like purposes, to attend his army from place to place (which those who then called themselves the King's Printers at *London*, would not do) and for which there is yet owing from his Majesty to *Lickfield*, the then Printer of the University, above 600*l* to this day.

After the wars, the University Printers did, for some time, continue to comprint privileged books at *Oxford*, as well as those at *London*, but soon after came to their former agreement, but for lower payments.

After his Majesty's return, they came to their wonted rent of 200*l* by Indenture of 1st October, 1661, for *three* years, and of 29th November, 1664, for *three* years more, and of 6th August, 1669, for *three* years more.

After these last *three* years, the Company of Stationers, and Mr. *Norton*, were willing to continue their proportions as before. But the King's Printers for Bibles refused to pay their proportion; presuming the University was not in a condition then to imploy so great a stock as to print Bibles; wherein they guessed not amiss for some years.

But

But at length the University took courage, and ventured, and do now (at their great charge) comprint with those of *London*, and have hereby brought down the price of Bibles to about *one half* of what they were before sold at.

And when, in the year 1679, they petitioned his Majesty and Privy Counsell against the University, upon a full hearing of Counsell on both sides, the University and their Printers were acquitted, and that petition was cast out.

How these Patentees have abused their Patent (by selling books at excessive rates and otherwise) and what exceptions may be made to the validity of their Patent (which was strongly urged against them at the hearing at the Counsell table, and not satisfactorily answered as we conceived) though it may not give the University a title, if otherwise they had none, yet is it a great reason why the University should be favoured in that right they have; which seems to be as full as his Majesty could grant, by Letters Patents, (both antecedent and consequent to the others Patent, by which they now act) and was by name reserved to them, in the late Acts for printing, while they were in force.

And this is a short account of what we alledge for the Universities Right to print or comprint Bibles (and other like books) but without restraint to others, whom his Majesty shall likewise permit so to do.

From, my Lord,

your Grace's very humble Servant,

JOHN WALLIS.



N<sup>o</sup>. XXXI.

*A Brief of the cause of the Printers of the University of CAMBRIDGE — that they may print Grammars, &c.*

Reasons proving that the University Charter authorizes their Printer to print *Grammars, School-books, and such like.*

I. **T**HE Charter of Henry VIII giveth power to print *omnimodos libros per Cancellarium approbatos, vel in posterum approbandos*, and this Grant is confirmed by Act of Parliament, 13 *Eliz.* and by his Majesty's Charter 2d of his reign.

II. Their learned Council have always affirmed unto the Vice-Chancellor and Heads of Colleges there, that their Charter was so to be taken, that by it their Printer might print any books so allowed; notwithstanding any patent *ad imprimendum solum*: And that a general grant for printing all books, so allowed, is not taken by a particular grant to one to print solely, except the grant have in it a special derogation from that general grant, as *Non obstante privilegio Universitati Cantabrigiæ concessio*.

III. According to their opinion, their University Printer hath ever since their Grant, and since there have been private Patentees *ad imprimendum solum*, divers times printed such privileged books, upon allowance made by the University, as *Legate*  
the

the Bible and Psalms against *Robert Barker* about 27 or 30 years past, and your Petitioners the same about 7 or 8 years past. And, upon debating the matter at several times, the Patentees *ad imprimendum solum* were fain to compound with the University Printer, but with this clause; *salvis semper literis patentibus Academiae cenceffis*.

IV. The Patent to Mr. *Norton*, granted about six or seven years past: before that time there had been contestation between the University and those Patentees *ad imprimendum solum* in this very point; yet Mr. *Norton* could not obtain such a special *Non obstante privilegio Universitatis* in his Patent, which likely might have caused the University to have forbore allowing this book, when they saw such a special derogation of their own authority, which being wanting, they might hope their special patent and privilege was intended to work no prejudice to the University.

V. The University Grant is for the general good of the whole Kingdom; no man receiveth hurt by it: Mr. *Norton*, and the Company that have combined with him, to bring the printing and sale of all vendible books to their Company, are hindred only in their unreasonable and unconscionable gains, which they make by their excessive prices of all their privileged books: For the Petitioner will sell those books which he printeth, (being as good a letter and paper, if not better than theirs) a *third* part cheaper than theirs are now sold for. And he is ready to shew they may be so afforded.



## N° XXXII.

*The Practice held in CAMBRIDGE for printing  
Almanacks, &c. Recep. 12 Sept. 1634.*

CAMBRIDGE hath liberty of comprinting, with the King's Printers, and Company of Stationers, these privileged books following:

1. The *Bible*, in the middle Folio, and Quarto, of all letters, without restraint of number, and the singing *Psalms* to be bound with them.

2. *Grammars* — 3000 — every year.

3. All other *School books*, so many as they can print with one press.

4. *Almanacks*, (such copies as are brought to them without restraint of number.

Yet about *three* years since they entered [into] covenant with the *Londoners*, to print but 500 Reams yearly; whereof they should reserve so many as would serve *Cambridge*, and the countries thereabouts, and the *Londoners* should take the rest of them at a price. This covenant ends at Christmas next.

In every Ream are 500 Sheets.

So where  $\begin{Bmatrix} 3 \\ 2 \\ 1 \end{Bmatrix}$  Sheets go to an Almanack,  $\begin{Bmatrix} 166 \\ 250 \\ 500 \end{Bmatrix}$  there are in every Ream

## N° XXXIII.

N<sup>o</sup> XXXIII.

*Reasons why the Judicature of the Expulsion of a Scholar or Fellow of a College doth not belong to the Determination of the Judges of the Common Law.*

THE government of the University in general, and the Colleges in particular, is, and always hath been reputed to be of Ecclesiastical cognizance.<sup>a</sup>

For the Universities government, if any cause of appeal arise there, the last resort is to the King in Chancery, as in other Ecclesiastical causes.

In the Colleges the appeal for any grievance, is to the Visitor, who is a Bishop in those Colleges, where Visitors are appointed by the Founders: where none are appointed specially, it is to the Bishop of the Diocese: for in four antient Colleges, viz. *Oriel, Brasnose, Lincoln and Baliol*, the Lord Bishop of *Lincoln* is as the Visitor, and hears and determines the grievances, if any arise there, *jure ordinario et episcopali*; for he is not named in the foundation of those Colleges to be the Visitor,

<sup>a</sup> [“But, whatever might be formerly the opinion of the Clergy, it is now held as established Common Law, that Colleges are lay corporations, though sometimes totally composed of ecclesiastical persons; and that the right of Visitation does not arise from any principles of the Canon Law, but of necessity was created by the Common Law.” Lord Raym.]



as other Bishops are in other Colleges: Which will appear by the Charter of the foundation of the Bishop of *Oxford* and Cathedrall of *Christ Church* there, made by King *Henry* the eighth; wherein are containned words to this sence; “*Damus et concedimus dicto Episcopo Oxon omnem jurisdictionem spiritua-lem et ecclesiasticam in et per totum Comitatum et Civitatem Oxon; et dictum Episcopum Lincoln ab omni jurisdictione exuimus exceptis in quatuor Collegiis,*” and then names the aforesaid Colleges: otherwise the Bishop of *Oxford* had had the government of those Colleges *jure ordinario*, as now the Bishop of *Lincoln* hath; for the King gives the Bishop of *Lincoln* no jurisdiction there, but continues him in that he had before.

When it pleaseth the King's Majesty to grant licence to any one to found a College, and make by-lawes for the better government, the Founder may oblige his Scholars, that will eat of his bread, what coloured clothes they shall wear, what hours they shall spend in their exercises, and what at their prayers, and such like; and he that shall disobey herein shall be expelled from his society, and all emoluments thereof; the breach of which in their own nature are no crimes: now if the Governor should expell one of his company for a breach of one of those lawes, and he should complain to the King's Judges of the common Law, they must judge that no man ought to loose his livelihood, but for some offence or crime punishable at the Common Law, unless they will judge that the Governor hath not proceeded according to the statute or by-law of the place, and so become interpretors of all the locall Statutes of the Colleges and Universities; which if it should happen, we might take our leave of our Chancellors, Visitors and Statutes, as  
of

of no use, and the Scholars might live loosely, and at large, and be obliged to no other discipline or order than the lawes of the Kingdom injoynd therein.

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N<sup>o</sup>. XXXIV.

*The Docket of King JAMES the second's Licence, Dispensation and Pardon for Obadiah Walker, Nath. Boyse, Thomas Deane, and John Bernard : May---1686.*

**H**IS Majesty's royal Licence, and Dispensation to *Obadiah Walker*, Master of *University College* in *Oxon*, *Nath. Boyse*, and *Thomas Deane*, Fellows of the same, and *John Bernard*, Fellow of *Brazen-Nose College*, to absent themselves from Church, and common prayer, and from administering the Sacrament of the Lord's Supper, as used in the Church of *England*, and from taking the oaths of Supremacy and Allegiance, and making the Declaration, mentioned in an act of Parliament in the 13th, and 14th, of King *Charles* the second, and from doing such other things in conformity to the doctrine and discipline of the said Church, as they by their severall places, by the laws and statutes of the realm, or of the said University, or College, are obliged unto: with power to travell to *London*, and *Westminster*, and come, and remain in the presence of his Majesty, his royal Consort, and the Queen



Queen Dowager, although they act contrary to the said statute, or any other acts made in the 25th or 30th years of his said late Majesty, or in the 1, 5, 13, 23, 27, 29, and 35th of Queen *Elizabeth*, or in the 1st or 3d years of his Majesty's royal Grandfather King *James*: Together with his Majesty's gracious Pardon to the said several persons of all offences, pains, suspensions, deprivations, and disabilities, by reason of the premises; with such clauses, and non-obstantes, as were directed by warrant under his Majesty's sign manual. Subscribed by T. P. his Majesty's Solicitor General, and procured by the E. of *Sunderland*.

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N<sup>o</sup>. XXXV.

**T**HE King granted also a Licence May —  
1686 to *Obadiab Walker*, and his assignees only, for 21 years, to print and sell the books following, without incurring any penalty, loss or disability whatsoever; so that the number of any one of the said books printed in any one year exceed not 20,000: with the former clauses, and non-obstantes.

Solicitor General.

Suc-

Succession of the Clergy.	Pietas Romana, et
Church Government.	Parisiensis.
Eucharist.	Rubric.
Communion in one kind.	Confid. on the Lives of
Eucharist in Compendi-	Saints.
um.	Oral Tradition.
Motives to Christian	Instit. of the Soc. of Jesus.
Piety.	State of the dead.
Necessary Faith.	Guide in Controversies.
Infallibility.	Roman Devotions vindic-
Obligation of Judgments.	cated.
Short Confessions of Faith.	Roman Doctrine of
Danger of Schism.	Repentance and Indul-
Concerning sacred things.	gences vindicated.
Celibacy.	<i>Stillingfleet's</i> Principles
Miracles.	consider'd.
Idolatry.	Paraphrase on S. <i>Paul's</i>
Anti-Christ.	Epistles.
Append. to Roman De-	Benefits of our <i>Saviour</i> .
votions.	Life of <i>Jesus Christ</i> .
Benefits of the H. Ghost.	S. <i>Teresa's</i> Works.
Adam's Fall.	S. <i>Austin's</i> Life.
Litanies and Hymns.	<i>Greg. Lopez's</i> Life.



## N° XXXVI.

King JAMES *the second's Licence, Dispensation and Pardon for Edward Sclater, of Putney, Surry, Clerk; May 3d. 1686.*

JAMES the second by the Grace of God, King of *England, Scotland, France, and Ireland*, Defender of the Faith, &c. To all to whom these presents shall come Greeting: Know ye, that we, upon the humble petition of *Edward Sclater*, of *Putney* in our County of *Surry*, Clerk, and of our especial grace, certain knowledge, and meer motion, have licensed, authorized, and impowered, and by these presents for us, our heirs and successors do license, authorize and impower the said *Edward Sclater* to keep one or more Schools, and to teach and instruct youth, and to take and receive boarders, tablers, or sojourners, and to do, and perform by himself, and his ushers, and servants, all and whatsoever is, or may be needful, or requisite to be done, and performed in or about the keeping of a school, or the teaching, or instructing youth, or the taking, receiving, or keeping of boarders, tablers, or sojourners: To have and use the said licence, and authority for and during our pleasure onely. And to the end, that the said *Edward Sclater* may the better attend such schools, and teaching; We do hereby of our farther special grace, certain knowledge, and meer motion, give and grant unto the said *Edward Sclater* our royal Licence and Dispensation to be absent from his  
Cure

Cure and Curacy of *Putney* aforesaid, in the diocese of *Canterbury*; and also from his Cure, and Rectory of *Esbare* in our said county of *Surry*, and diocese of *Winchester*, and to imploy a curate, or curates therein, and to forbear all monthly, and other reading or using the book of common prayer, and the administration of the Sacraments, and other rites and ceremonies of the Church of *England*, and the declaring, doing, and performing all, and whatsoever is, or are required, enjoined, or enacted to be declared, done or performed in, or by one act of parliament made in the 13th, and 14th,\* years of the reign of our late royal brother King *Charles* the second, entitled, "An act for the uniformity of publick prayers, and administration of the sacraments, and other rites, and ceremonies; and for establishing the form of making, ordaining, and consecrating bishops, priests and deacons in the Church of *England*," or in, or by any other act, or acts of parliament made in the 21st or 28th years of the reign of the late King *Henry VIII*, or in the 1st or 13th years of the reign of the late Queen *Elizabeth*, or in the 17th year of the reign of our said late royal brother, or in, or by any law, canon, or constitution ecclesiastical whatsoever relating to the premisses. And our farther will and pleasure is, and we do hereby of our farther especial grace, certain knowledge, and meer motion, declare, and grant, that the said *Edward Sclater* may keep school, and instruct youth, and may take, receive, or keep boarders, tables, or sojourners, and may be absent from his said several cures without any farther or other license, or authority in this behalf, and without incurring any pain, penalty, loss, for-

\* Or 17th in the Docket.



feiture, and deprivation, or disability by reason thereof. And shall, and may take, demand, have and receive all the rights, dues, profits, emoluments, benefits, and advantages to the said several cures of *Putney* and *Esbare* belonging; Notwithstanding that the said *Edward Sclater* hath not declared, acted, done, or performed, or shall at any time hereafter, neglect, refuse, or forbear to declare, act, do, or perform all, or any thing, or things, which any schoolmaster, or non-resident is, or ought to declare, do, or perform, or which are, or is required, enjoined, or enacted to be done, or performed in, or by the said acts of parliament, or any of them, or any clause, article, or thing in them, or any of them contained, or in or by any law, canon, or constitution whatsoever. And notwithstanding that the said *Edward Sclater* hath committed, or done, or shall at any time hereafter commit, or do any thing or things contrary to the said acts of parliament, or any of them, or contrary unto any other act, or acts of parliament made in the 5th, 14th, 23d, 27th, 29th and 35th years of the reign of the said late Queen *Elizabeth*; or in the 1st, 3d, or 7th years of the reign of our late royal grandfather King *James* over *England*; or in the 17th year of the reign of our said royal brother King *Charles* the second: So as nevertheless the said respective cures of *Putney*, and *Esbare* be otherwise supplied by curates, or others to be provided by, or at the cost and charges of the said *Edward Sclater*: And to the intent that the said *Edward Sclater* may have the full effect, and benefit of this our royal grant, and dispensation; We do hereby of our more abundant grace, certain knowledge, and meer motion, pardon, remit, exonerate, and discharge, unto the said *Edward Sclater* all crimes, offences

offences, misdemeanors, and contempts whatsoever committed, or done by him, contrary unto the said acts of parliament, or any of them, or contrary unto any law, canon, or constitution ecclesiastical whatsoever; and of all indictments, convictions, censures, pains, penalties, forfeitures, and disabilities incurred, or whereunto the said *Edward Sclater* is, or may be liable for, or by reason thereof: Wherefore our pleasure is, and we do hereby grant, require, and command, that the said *Edward Sclater* shall not at any time hereafter be cited, sued, prosecuted, or molested, for any matter, or thing hereby licensed, granted, or pardoned. And that this our royal licence, pardon, and dispensation shall be good, and effectual for the purposes aforesaid, and shall be valid in law, and allowed by, and in all our courts, as well ecclesiastical, as civil, and by all ordinaries, judges, justices, and other officers, and persons whatsoever, as well ecclesiastical, as civil, notwithstanding the acts of parliament herein beforementioned, or any of them, or any clause, or sentence in them, or any of them contained: And notwithstanding the not reciting, or mentioning, or misreciting any particular laws, canons, or constitutions ecclesiastical, relating to the premisses: And notwithstanding any misnomer, or other defect in these presents; and any other act, statute, canon, constitution, provision, or restriction to the contrary thereof in any wise notwithstanding. In witness whereof We have caused these our Letters to be made patent. Witness ourself at *Westminster* the 3d day of *May* in the second year of our reign.

PIGOTT.

By the King.

N<sup>o</sup> XXXVII.



N<sup>o</sup>. XXXVII.*Mr MASSEY's Licence, Dispensation, and Pardon.*

**J**AMES the second, by the grace of God, King of *England, Scotland, France, and Ireland*, Defender of the Faith, &c. To all, to whom these presents shall come, greeting. Whereas we have lately constituted and appointed our trusty and well beloved subject, *John Massey*, M. A. and Fellow of *Merton College*, to be Dean of *Christ Church* in our University of *Oxford*; and the said *John Massey* having humbly besought us, that he may be admitted, and installed Dean of *Christ Church* aforesaid, and enjoy the same dignity and preferment without being obliged to take the oaths of allegiance and supremacy, or either of them, or any test or sacrament, or making any declaration or subscription relating to religion, or doing, performing, or subscribing any other act or acts, in conformity to the doctrine, discipline, or liturgy of the said Church of *England*; and we, being well assured of the ability, loyalty, and integrity of the said *John Massey*, are graciously disposed to grant his humble suit: know ye therefore, that we, for the considerations aforesaid, and of our special grace, certain knowledge, and meer motion, have given and granted, and by these presents for us, our heirs, and successors, do give and grant unto the said *John Massey* our royal licence and dispensation to absent himself from the Church, Chapel, or usual place of common prayer, as the same is now used in *England*; and

and to forbear using or reading the same, or declaring his assent or consent to the book of common prayer now used in *England*, and to abstain from and forbear receiving and administering the Sacrament of the Lord's supper according to the liturgy or usage of the said Church of *England*; and from taking the oath of allegiance and supremacy; and from reading and subscribing the articles of religion, commonly called the thirty nine articles; and from making, subscribing, or repeating any declaration, acknowledgement, or recognition, or doing any other act or thing required by or mentioned, or contained in one Act of Parliament made in the thirteenth and fourteenth years of the reign of our late royal brother, entitled, "An Act for the uniformity of publick prayers, and administration of the sacraments, and other rites and ceremonies; and for establishing the form of making, ordaining and consecrating Bishops, Priests and Deacons of the Church of *England*:" or mentioned or contained in one other Act of Parliament, made in the five and twentieth year of the reign of our said late brother, entitled, "An act for the preventing dangers, which may happen from popish recusants:" and from doing, declaring or subscribing all and every such other acts, or things in conformity to the Doctrine, discipline, and liturgy of the church of *England*, as he, the said *John Massey*, by reason of his being Dean of *Christ Church* aforesaid, by the laws and statutes of this our realm of *England*, or by any statute, constitution, or custom of the University of *Oxford*, or of the College called *Christ Church* aforesaid, or either of them, is, or shall be obliged to perform, make, or subscribe. And we do hereby, of our further special grace, certain knowledge, and meer motion, for us, our heirs,  
and



and successors grant, declare and direct, that the said *John Massey* shall be admitted, and installed Dean of *Christ Church* aforesaid: and we do hereby authorize, and impower and enable him to be, and continue Dean of *Christ Church* aforesaid; and to have, hold, use, exercise, and enjoy the said place, and dignity of Dean of *Christ Church*, with all the rights, profits, powers, priviledges, authorities and advantages whatsoever to the same belonging; and to travel to the Cities of *London* and *Westminster*, and to come, remain, and be in our presence, or in the presence of our royal Consort the Queen, or of *Catherine* Queen dowager of *England*, or in our court, or in the court or house, where we, or they are, or shall be, or reside; although the said *John Massey* hath not taken the order of Priesthood, or hath not done or performed, or shall at any time hereafter omit, neglect or refuse to do, or perform any thing, or things enjoined, required, or enacted to be done or performed by the said acts of parliament, made in the thirteenth year of the reign of our said late royal brother, King *Charles* the II, or in the 1st, 5th, 13th, 23d, 27th, 29th, and 35th years of the reign of the late Queen *Elizabeth*, or in the 1st, or 3d years of the reign of our late royal Grandfather, King *James* over *England*, &c. or in, or by any statute, constitution, or custom of, or in the University of *Oxford*, or of, or in the said College called *Christ Church*; and although the said *John Massey* hath committed, or done any thing contrary to the said Acts of Parliament, or any or either of them, or contrary unto any clause, or article, or thing in them, or any of them contained, or contrary to any statute, constitution or custom of or in the said University of *Oxford*, or the College called *Christ Church* aforesaid: hereby also requiring,

quiring, and enjoining the Chancellor and Vice-Chancellor of our said University, and the Subdean and Canons of *Christ Church* aforesaid, and all other officers and persons whatsoever, whom it may concern, that they, and every of them, in their respective places do act, and perform all, and whatsoever is, or ought to be enacted, done and performed by them respectively, for the admitting, installing, and establishing the said *John Massey* in the said place, or dignity of Dean of *Christ Church* aforesaid; notwithstanding his not having taken the order of Priesthood, or his not doing, or performing what by the said Acts of Parliament, or any of them, or the statutes, constitutions, or customs of the University or College aforesaid, or any of them he is enjoined, or required to do, or perform; and as if he had fully, and effectually done, or performed the same. And to the end that this our royal licence, dispensation, and grant may have its due effect, we do hereby, of our further especial grace, certain knowledge, and meer motion, pardon, remit, exonerate, and discharge the said *John Massey* of, and from all offences, pains, penalties, suspensions, deprivations, sentences, censures, or disabilities by him incurred, or to be incurred, or whereunto he now is, or hereafter may be liable, for, or by reason of his not having done, or performed, or for that he hath omitted, neglected, or refused, or shall at any time hereafter omit, neglect or refuse to do, execute, or perform any thing, or things enjoined, or required to be done, executed, or performed in, or by the statutes, constitutions, or customs of the University of *Oxford*, or of the said Colleges of *Merton*, or *Christ Church*, or either of them: hereby enjoining, and requiring all, and singular Courts, and Judges, as well ecclesiastical,



as civil, to supersede, and forbear, at all times hereafter, all persecutions and proceedings whatsoever against the said *John Massey* for, or by reason of any matter, or thing hereby dispensed with, licensed and remitted. And our pleasure is, and we do hereby, of our more abundant grace, certain knowledge, and meer motion grant, and declare that these presents shall be in, and by all things firm, valid, and effectual in the Law; and shall be available for the purposes aforesaid, notwithstanding the said Acts of Parliament, or any of them, or any of the statutes, customs or constitutions of the University, or Colleges aforesaid; and notwithstanding the not reciting, or mentioning, or not sufficiently, or particularly reciting or mentioning, or misreciting the Statutes, constitutions, or customs of the said University, or Colleges aforesaid, or the said Acts of Parliament, or any of them, or the titles or contents thereof; and notwithstanding that the said *John Massey* is not consecrated Priest, or is, or at that time hereafter shall be a Convict Recusant; and notwithstanding any misnomer, misrecital, or other defect or imperfection in these presents, and any act, ordinance, provision, proclamation, disability, or restriction to the contrary thereof in any wise notwithstanding. In witness whereof we have caused these our Letters to be made patent: Witness ourself at *Westminster* the sixteenth day of December in the second year of our reign.

Piggot.

By writ of privy seal.

N<sup>o</sup> XXXVIII.

N<sup>o</sup> XXXVIII.

*Princess of ORANGE's Letter to Archbishop  
Sancroft.*

*Loo, October the first, 1687.*

**T**HOUGH I have not the advantage to know you, my Lord of *Canterbury*, yet the reputation you have makes me resolve not to loose this opportunity of making myself more known to you, than I could have been yet. Dr. *Stanly* can assure you, that I take more interest in what concerns the Church of *England* than myself, and that one of the greatest satisfactions I can have is to hear how that all the Clergy shew themselves as firm to their Religion, as they have alwayes been to their King, which makes me confident God will preserve his Church, since he has so well provided it with able men. I have nothing more to say, but beg your prayers, and desire you'll do me the justice to believe, I shall be very glad of any occasione to shew the esteem and veneration I have for you.

MARIE.

To the Archbishop of *Canterbury*.



N<sup>o</sup>. XXXIX.

*Copy of the Archbishop's Answer :  
probably never sent.*

May it please your Royal Highness,

**T**HE high and dear esteem you have of the Church and holy Religion established amongst us, which you are pleased so emphatically to declared in your gracious letter which you were lately pleased to send me with, and the full assurance

which farther Dr. St. gives <sup>us</sup> me that you hold this pious good affection towards [us] in common with that great and excellent Prince in whose bosom you lie,

are <sup>mighty</sup> such strong and rich consolations, which as we

never needed more than now, <sup>so</sup> nor could they never come more seasonable or welcome to us. It hath seemed good to the infinite wisdom to exercise this poor Ch. with trials of all sorts and of all degrees.

But the greatest calamity that ever befell us <sup>was</sup> is that it pleased God in his wise and just providence to permit wicked and ungodly men, after they had barbarously murdered the father, to drive out the sons from abiding in the inheritance of the Lord

and

<sup>as if they</sup> and as it were to say had said to them Go and serve  
other Gods. The <sup>dreadfull</sup> ~~dismall~~ effects hereof we still feel

<sup>must</sup> every moment but cannot say we cannot particularly express. And though all this (were it yet much more) cannot in the least shake or alter our steady loyalty to our Soverain and the Roial family in the legal succession of it, yet it imbitters the very comforts that are left us; it blasts all our present joys and makes us sitt down with sorrow in dust and ashes. Blessed be God who in so dark and dismal

<sup>night</sup> a time hath caused some dawn of light to break from the Eastern shore, in the constancy and good affection of your Roial Highness and the excellent Prince towards us, for if this should fail us too (which the God of Heav. and Earth forbid) our hearts must surely break. And as our thanksgivings for you both go up before God continually, so we all pray for you without ceasing, that God would crown you with all the blessings of Heav. and Earth. He hath inspired your R. Highness (with Marie in the Gospel) to chuse the better part, and I trust it shall never be taken from you. Be faithful unto death and he will give a crown of life. In the close of all, your Roial Highnesses personal but most undeserved grace and favour to your poor unworthy servant must not be forgotten, whereby

<sup>a dying</sup> which you have put new life into an old man,

<sup>ready to</sup> who was ever sinking under double the burthen of

<sup>so long as</sup> age and sorrow, but will while he holds his soul in  
life



life continue to be indeclinably to be what he is  
upon so many obligations (May it please your Roial  
Highness)

your m. devoted faithfull

fervant and daily Orator

*Lambbith* House

Nov. 3. 1687.

at the throne of Grace

W. C.

N<sup>o</sup>. XL.

*Dr. STANLEY's Letter to Archbishop SAN-*  
*CROFT. Hague Jan. 24. } 1687*  
*Febr. 3. } 8*

May it please your Grace,

**W**HEN I returned hither [from] *England* I  
durst not make bold to trouble your Grace  
so much, as to acquaint you how graciously and  
kindly the Princess received your Grace's letter, and  
the Prince your humblest service, but desired my  
uncle Dr. *Beveridge* to do it for me, which I doubt  
not but he hath done. But I reckon myself bound  
in duty now to addresse myself immediately to your  
Lordship by reason of something which hath lately  
happened here; with which, I think, I ought to  
acquaint your Grace, who I know are so truly con-  
cerned

cerned for the good of our Church, and so in some measure prevent the ill reports which may possibly be raised of our excellent Princess.

I suppose your Grace may have heard, that the King hath not been wanting to press his daughter here to be favourable to Popery; but least you should have heard more than is true, and that the Papists should (as their way is) dishearten people, by representing her as inclined to them, I presume to acquaint your Lordship with the sum of all that hath passed (her R. Highness [being] pleased to make me privy to it, and giving me express leave to communicate it to your Grace.) Whatever reports have been raised, the King hath scarcely ever spoken or written to our excellent Princess to persuade her to Popery till last Christmas: when the Marquis *d'Abbeville* came hither the King sent to her a very long letter of two sheets of paper, written with his own hand, containing the motives of his own conversion to Popery. This letter the Marquis *d'Abbeville* gave to the Princess on Christmas day. The sum of the letter (for she found it so afterwards) was this; that he had been during his exile zealous for the Church of *England*, and was scarcely ever spoken to by any body, but one Nun, to turn Papist. Nay he endeavoured to confirm his brother the Duke of *Gloucester* in the Church of *England*; from which he was once thought to be warping. But he says, that the first thing that wrought with him, was, the holy and exemplary lives and constant devotion of those of the Church of *Rome*, the divisions among Protestants, with the necessity of an infallible judge to decide controversies, together with some promises which *Christ* made to his Church in general, that the gates of Hell should not prevail against it, and some others made to *St. Peter*;  
And



And there being no person that pretends to Infallibility but the Bishop of *Rome*, he concluded this Church and Infallibility must needs be with them. Afterwards he is very severe against the Church of *England* for its cruelty towards Dissenters; saying, that Dissenters can give as good reasons for their separating from us, as we for our departure from *Rome*; nay that any County in *England* can with as much reason separate from the rest, and choose Officers and make Laws for itself, as we could separate from the Bishop of *Rome*, and from those that hold communion with him. This is the main of what I remember was in the King's letter. Our excellent Princess seeing this letter written with the King's own hand, was resolved not only to write an answer, as the King desired, but to write it presently, and without consulting us, that he might see she was very ready to give an account of herself, and might be [able] truly to say it was her own answer. And therefore the very next day being post day, she made haste and wrote a letter of two sheets of paper (which she afterwards did read to me) which truly I can without flattery say, I thinke was one of the best letters that I ever saw, and as full to the case as I could desire, she treating him with that respect that was due to her father, and a King, and yet speaking her mind freely and openly as became the cause of religion; answering every objection so handsomely, that I confess [I] could [not] sufficiently admire it, and thank God for it. And in vindication of our Church said, that as she had used all means to inform herself concerning religion, so she was well satisfied in what she had done, when she embraced the Church of *England*, in which she hoped that God would give her grace to live and dye in it. Besides much more which it would be  
too

too long to trouble your Grace with. I confesse I never was so well satisfied in my life, as on this occasion with her, and though I knew she did understand her Religion exceeding well, yet now methoughts she even outdid herself. And if ever I can procure a copy of her letter, I hope it may be with leave of communicating it to your Grace and my Lord of *London*, and I am sure you would be very well pleased with it.

After she had sent this letter to the King, his Majesty was pleased to answer little or nothing, but would have her discourse with Father *Morgan*, who was Rector of the Jesuits College at *Rome*, and now lives with Marq. d'*Abbeville*; but though she would willingly answer what our King shall write to her, she hath absolutely refused to admit this Jesuite to discourse with her; for if she should allow of any such discourse, she is sensible how they would boast presently, that she listened to them, and was inclining towards them; which, I thank God, I think she is as far from, as I can desire. And besides she hath given me this assurance, that if ever there should be any objection or difficulty put to her, which she cannot clearly answer, she will not fail to command my advice and assistance in it. I make bold to acquaint your Grace thus at large with this affair, that if the Papists should raise any report of it, your Grace may have somewhat wherewithall to satisfy yourself and others, so far as in your great prudence you think fit. Our excellent Princess's reputation as to religion being of so great moment, I hope your grace will pardon my thus representing this matter between the King and her to you; for I know your Grace's hearty concern for the Church; but I dare not speak of it even here, or write of it to any body else for seve-



ral reasons; only my Lord of *London* knows of some of them.

And as I thus beg your Lordship's pardon so I must humbly also beg your commands and directions as to my management either in this affair or in any thing else, in which the good of the Church is concerned, which I can truly, and with a safe conscience, say, is much dearer to me than life itself, or any thing else I have in this world; and therefore your Grace may be sure, I will not faile (by the blessing of God) to make all the good impressions that I shall be able; but your Grace's commands will make me to do much more; and I know that any thing will be much the better taken also as coming from your Grace. To this purpose I humbly crave leave to beg of your Grace, that you will be pleased sometimes to write to her Highness. I am from herself assured, that she will take it very well, and when your Grace thinks fit to write to her, if you will please to give your letter to Dr. *Tenison*, he will frequently find a private hand by which to send it enclosed to me. And if your Grace doth take some notice to her of her carriage in this affair, as I have related it, it will I believe, be very acceptable. I again most humbly beg your Grace's pardon for this long letter, and for my bad writing, for the Gentleman that is to carry it, is in so great haste that I have not time to transcribe it. I blesse God their Highnesses are in good health, and beg your Grace's prayers to God for them, and your blessing on

your Grace's most humble

and obedient Servant,

WILL. STANLEY.

Nº. XLII.

N<sup>o</sup>. XLI.

*Another Letter from the same  
to the Archbishop.*

*Houſlaerdyke* May 31 } 1688.  
June 10 }

May it please your Grace,

I HOPE your Grace did pardon the trouble which I gave you of a letter ſince I returned hither out of *England*, and in confidence of that I having the opportunity of a friend going for *London*, whom I can truſt, preſume to acquaint your Grace with how great ſatisfaction the news was received here of the Petition, which your Grace and your brethren the Biſhops preſented to his Maſteſty. All men here, that love the Church or Reformation, do rejoice in it, and thank God for it, as an act very prudent and reſolute, and every way becoming your places and characters; but eſpecially our excellent Prince and Princeſs were ſo very well pleaſed with it, (notwithſtanding what the Marq. of *Abbeville* the King's Envoy here, could ſay againſt it) that they have both vindicated it before him, and given me a command in their names to return your Grace their hearty thanks for it; and at the ſame time to expreſs their real concern for your Grace and all your brethren, and for the good cauſe in which you are engaged; and, I dare ſay, they are not only highly ſatiſfied with your Grace's conduct, but reckon themſelves particularly obliged by your Grace's ſo ſteddily main-



taining the Church; and your refusing to comply with the King is by no means looked on by them as tending to disparage or depress the Monarchy; for they reckon the Monarchy to be really undervalued and injured by all unreasonable and illegal actions, though never so much pretending to enhance it. Indeed we have great reason to bless and thank God for their Highnesses steddiness, in so good a cause, and their affection towards us. They do give us all the comfortable prospect that we ourselves can desire. And I pray God in his good time to answer and fullfill all these our hopes in them. I will not trouble your Grace with news from hence; only I cannot but acquaint your Grace that here hath lately been discovered a great design against the life of the Prince by poyson. The person, who was to have done it, discovered it, and produced the poysons, but he could not produce the person that hired him; for he would never tell him his name, nor meet him in any house. He gave him some money in hand, and promised him more, if he would but for trial first poyson his landlord where he lodged, and then he should have much more for doing the same to the Prince; and because this person delayed to do either, he was by an unknown hand stabb'd here in the fair time, but is not dead. We discourse but little of it, but it is most true, that there was such a wicked design, which I thank God is defeated; and I pray God for ever to blast all designs against their Highnesses, and to make them great and lasting blessings to our Church and Nation. To which purposes I humbly beg your Grace's prayers to God for them, and your blessing on

your Grace's most humble  
and obedient Servant,  
WILL. STANLEY

N<sup>o</sup> XLII.

*Matter of Fact: by the E. of CL-----.*

*I. Concerning the King's Dispensing power.*

**D**ECEMBER 26th 1662, King *Charles II* set forth a Declaration to all his loving subjects, containing an Indulgence (though far less, than hath been since granted) to Dissenters; there being then no other Test upon any sort of them, but the oaths of Allegiance, and Supremacy. At the opening of the next session of Parliament, February 18th, 1662, the King in his speech explained his meaning in his said declaration, lest (as he said) "some should mistake him therein." In that speech he used these words; "I could heartily wish, I had such a power of indulgence, &c.:" whereby 'tis manifest, that he knew he had no such power by his Prerogative.

The house of Commons coming to consider of that speech, fell upon the questioning the legality of that declaration: and after long debates, upon February 28th presented an Address to the King, containing the several reasons against that indulgence; and averring positively, "that the laws of uniformity, then in force, could not be dispensed with, but by act of Parliament." This address was received by his Majesty very graciously; as appears by his answer, which is in print with the address, and reasons.

While this was doing in the house of Commons, a bill was brought into the house of Peers, intituled



led, "an act concerning his Majesty's power in ecclesiastical affairs." The scope of it was to enable the King to dispense with the act of uniformity, and to give indulgence to Dissenters. The cause of the bill is thus laid down in the preamble: "considering that this indulgence, how necessary soever, cannot be dispensed by any certain rule, &c. and his Majesty being the best judge, when, and to whom this indulgence is to be dispensed, and as may be most consistent with the publick peace, and without just cause of offence to others; and to the end his Majesty may be enabled to exercise it with universal satisfaction: be it enacted, &c.:" This bill was read the first time February 23d. It was after read a second time, and committed. But whosoever hath the curiosity to look into the Journals of that house, will find, that though the Committee sat several times, they made very little progress in it, and that at last it died away there, without any report made to the house. By this proceeding it seems very clear, both that the King had then by law no such dispensing power; and that the Parliament were not then inclined to grant him any such power.

After this all things continued quiet for above *nine* years. But March 15th, 1671, the King set forth another Declaration of Indulgence, much fuller than the former. The Parliament met not till February 4th, 1672, (which was near a year after the declaration was published.) The king in his speech at the opening of that Session, speaking, (among other things) of his Declaration, was pleased to say: "Having said this I shall take it very ill to receive contradiction in what I have done; and I will deal plainly with you; I am resolved to stick to my Declaration." The house of Commons,  
February

February 19th, made an humble address to his Majesty; wherein they inform him, "that penal laws in matters ecclesiastical cannot be suspended but by an act of Parliament." The King returned an answer February 24th, in which he says, "that he is much troubled, that that Declaration, which he put out for ends so necessary to the quiet of his kingdom (and especially in that conjuncture) should have proved the cause of disquiet in his house of Commons, and given an occasion to the questioning of his power in ecclesiasticks; which he finds not done in the reigns of any of his ancestors, &c." Neither doth he pretend to the right of suspending any laws, "where the properties, rights, or liberties of any of his subjects are concerned, &c." This answer of his Majesty was not satisfactory. The house replied, February 27th, in another Address, in which they say, "that the power to suspend penal laws in matters ecclesiastical was never claimed, nor exercised by any of his Majesty's predecessors." It is fit here to observe, that in this debate in the house of Commons (which lasted above *eight* hours;) all the lawyers in the house (among whom were several of the King's Counsel) were commanded to deliver their opinion, as to the legality of the Declaration: which every one of them did distinctly by himself, and declared, that penal laws could not be suspended, but by act of Parliament.

While these things were transacting in the house of Commons, the King acquainted the house of Peers, what had past between him and the Commons. The Lords did little more thereupon, than appoint a committee to consider of what his Majesty had communicated unto them. For while they were considering of it, the house of Commons, taking



king notice of the great concourse of Papists to Town, and that many of them were got into employments in the army; prepared an Address to be presented to the King, against the growth of Popery: which they sent up to the Lords, March 4th, desiring their concurrence to it. Their Lordships granted it; and March 7th both houses presented it to his Majesty: and his Majesty March 8th, went to the house of Peers, sent for the Commons, and made a short speech to both houses; wherein he told them, "that he freely, and readily agreed to the address, they presented to him the day before, and would take care to see it performed accordingly:" adding farther these words; "if there be any scruple yet remaining with you, concerning the suspension of penal laws; I faithfully promise you, that what hath been done in that particular, shall not for the future be drawn either into consequence or example." And after his Majesty was gone out of the house of Peers, the Lord Chancellor acquainted the Lords (and Mr. Secretary *Coventry* did the same in the house of Commons) that the night before the King had caused the original Declaration of indulgence under the great seal to be cancelled: of which he, and several other Lords of the council were witnesses.

Thus ended this unhappy dispute between the King, and his Parliament; which occasioned many warm debates: and harsh, and angry things were said on both sides, that had been much better avoided. This Declaration, together with the impertinence of the Papists (to give it no worse name) gave occasion to the Parliament in this very session to pass that act, wherein the first Test was imposed on all persons, who had any office, &c.

From what hath been said, it is (I think) very clear,

clear, that to this time the King had no power to dispense with penal laws in matters ecclesiastical: For in February, 1662, his Majesty owned that he had no such power; and we all know, that the Parliament have past no law since to enable him to exercise that power. How therefore the present Judges came to be so far enlightened, as to give their opinions so positively, that the King may by law dispense with the act, whereby the last Test is imposed (without which no man can sit in either house of Parliament, or enjoy any office;) and also with all other penal laws, even where the property of the subject is concerned (which his late Majesty disclaimed the pretending to;) I say, how these Judges came to so fixt a resolution in this great point, may be fit one day to enquire.

The Declarations, Speeches, Addresses, and Replies, above-mentioned are all in print.

II. *Concerning the Act imposing the Test. 1678.*

The Bishop of *Oxford* in his late book intituled *Reasons for abrogating the Test, &c.* in the very entrance of it, lays down this assertion; "That the test imposed upon all members of Parliament October 30th, 1678, ought to be repealed for several reasons."

*First*, "Because it doth not only diminish, but utterly destroy the natural right of Peerage; and turns the birthright of the *English* Nobility into a precarious title: so that, what was in all former ages only forfeited by treason, is now at the mercy of every faction, or every passion in Parliament."

*Answer.* How the Bishop handles the matters of Transubstantiation and Idolatry, I take not upon me to judge: But as to what concerns the house of



Peers, and the transactions there, I will venture to say, he is grossly mistaken in matters of fact; which shews at least want of care to be well informed. Had he lookt into the printed Statute-book he would have found, that the act, he mentions, past November, (not October) 30th, and had he been conversant in the Journals of the house of Peers (which he ought to have studied, before he had taken upon him to write of their affairs;) he might have found, that Lords have been deprived of their places in Parliament, and the privilege of voting there for less crimes, than treason; and that even by judgment of the house of Peers only, without an act of Parliament. The Lord Viscount *St. Albans*, Lord Chancellor, and the Earl of *Middlesex*, Lord Treasurer, temp. *Jac. I.* were not only deprived of their offices, and made incapable of ever holding any other; but also of ever sitting in Parliament; and all this by the censure of the house of Lords only: and in elder times, in the reign of *Henry IV.* the Duke of *Aumarle*, and others. And to come nearer our own time; how often have the Lords made orders, (scarce a Session since 1660, in which they have not) That all the members of that house should take the oath of allegiance? and accordingly all the Peers, even the Roman Catholic, have taken that oath more than once since his late Majesty's Restauration; even his present Majesty too, when Duke of *York*. There is no question, but that every Court may prescribe rules to all the members of that Court: much more the supreme Court, the house of Peers; who frequently have imprisoned and suspended their members from sitting, and voting there, for no other offence than contempt: one eminent example whereof might be given, which happened a few years since, but that

I am

I am willing to avoid reflections upon passages, which tis better to forget.

And if Peers may be deprived of sitting and voting in Parliament by judgment of the house of Lords only; certainly he must be very audacious, who presumes to question, what the supreme authority of the Nation (King, Lords, and Commons) have done by Act of Parliament: especially it being no more (after all) than to provide a security, that those who are of a different religion from that established by law, should not be in a capacity to destroy the religion of the country. If the Bishop would but view the late Edicts which have been published in *France* to suppress the reformed religion there, where the Protestant Peers had as much right to sit in Parliament, as the Roman Catholick Peers can pretend to here: or if he would have lookt into the history of *Sweden*, and seen, what security the legislative power of that kingdom hath provided for the maintaining of the religion there established: he would not have thought it so very strange, that our King and Parliament should make new laws, for the support of the religion of the country, when they find it like to be invaded, and disturbed by those, who make it their constant business to undermine it.

Tis very true (what he says) that in the Act for the first Test, 1673, the rights of Peerage are secured to the Lords by proviso. And if he had well minded that other Act, 1678, with which he is so much displeased;

1. There is no right of Peerage at all invaded, but that of sitting, and voting in Parliament, till they take the oaths, and subscribe the declaration: which so soon as any Lord will perform, he may take his place in Parliament, though discon-



tinued for some time; for a writ is sent him every time a Parliament is summoned. And that he looseth no other privilege of Peerage, is I think very plain by the trial of the late lord Viscount *Stafford*; who, notwithstanding this act, was tried by his Peers according to his undoubted right: which clearly shews what is, and what is not taken away by this Act. But

2. For that which is taken away, sc. the right to sit, and vote (which he calls the birthright, and natural right of Peerage :) he should have considered the reason of doing so, given in the preamble of that Act: viz. "Forasmuch as divers good laws have been made for preventing the increase, and danger of Popery in this kingdom, which have not had the desired effects, by reason of the free access, which Popish Recusants have had to his Majesty's Court, and by reason of the liberty which of late some of the Recusants have had, and take to sit, and vote in Parliament, &c." Is it not plain hereby, that the wisdom of the Nation thought it necessary for the security of religion, and the Government, that Popish Recusants should be debarred from coming to court, and sitting in Parliament? And these are all the rights of their Peerage, that are not so much taken away, as suspended, till they conform.

To confirm this first reason for abrogating the test, the Bishop insists much upon a debate in the house of Peers 1675, when the Test, or oath of loyalty (as he calls it) was brought in there. Where he affirms several things.

*First*, "That the matter of the Test itself (viz. that 'tis not lawful upon any pretence whatsoever to take up arms against the King, and by his authority against his person) was such as nobody could

could except against; but the only debate was, Whether the proposing this as a qualification for a right to sit in Parliament, did not intrench upon the privileges of that house, and the fundamental right of Peerage? which (he saith) was thrown out by an unanimous vote of the house, April 21."

*Secondly*, He confesseth, "that the question being put, it was at first resolved in the negative: but that some Lords (sc. 23 in all) did enter their dissent against this vote; as a thing unprecedented in former times; as the highest invasion of the liberties and privileges of the Peerage; and most destructive of the freedom, they ought to enjoy, as members of Parliament: because the privilege of sitting, and voting in Parliament is an honour they have by birth; and a right so inherent in them, and inseparable from them, that nothing can take it away, but what by the law of the land takes away their lives, and corrupts their blood."

*Thirdly*, "The debate, he saith, was kept up many days, but that it was at last resolved, April 30th, That no oath should be by this bill imposed." And

*Fourthly*, "That a general order was past, *nemine contradicente*, to be added to the standing order of that house, That no oath shall be imposed by any bill, or otherwise upon the Peers, with a penalty in case of refusal to lose their places, and votes in Parliament, or liberty of debates therein."

*Answer*. This bill was intituled, "An act to prevent the dangers which may arise from persons disaffected to the Government:" and the oath in it contained (beside the clause he mentions) another, obliging them to abjure all endeavours to alter the Government in the Church. It was brought in April 15th, and read the first time; and the second time



time April 20th; when, and for several days after, there was a very great and long debate, Whether the bill should be committed, or not; so that it was not committed till April 26th. In the mean time, April 21st, there was a collateral debate, Whether the very proposal of this oath with such a penalty were a breach of the fundamental right of Peerage, and so the bill to be cast out: which was resolved in the negative by 87 Lords; 23 dissenting, and entering the protestation, he mentions. So that there was nothing cast out by the unanimous vote of the house, April 21st, as the Bishop grossly mistakes, for want of perusing the Journals of the house. But the same day the Peers resolved to proceed upon the main point, Whether the bill should be committed; and April 26, the question being put, it was committed to a committee of the whole house. Against this the former Lords entered a second protestation, with a new reason; that it strikes at the very root of government; to which freedom of votes, and debates is necessary in those, that have power to make, or alter laws; whereas this bill obliges to abjure all endeavours to alter the Church government, without regard to any thing, that prudence in government, Christian compassion to Protestant Dissenters, or the necessity of affairs at any time may require. But the majority of the house were much dissatisfied with the proceedings of these Dissenters: And therefore April 29th, the question being propounded, whether the reasons given in that protestation of April 26 did reflect upon the honour of the house, and were of dangerous consequence; it was resolved in the affirmative: against which several Lords entered their dissents, asserting the right of protesting with reasons. For all this the committee of the whole house pro-

proceeded upon the bill April 30th, and May 3d; and pass these two preliminary orders (to which the house agreed)

1. "That no oath shall be imposed by any bill, or otherwise upon the Peers, with a penalty in case of refusal to lose their places, or votes in Parliament, or liberty of debates therein; and that this be added to the standing orders of the house."

2. "That there shall be nothing in this bill, which shall deprive any member of either house of their just, ancient freedom, and privilege of debating any matter propounded, or touching the repeal, or alteration of any old, or the preparing any new laws, &c. &c." Now the Dissenters thought they had gained their point: But the business was brought about again; and the major part of the house (notwithstanding the unanimous laying aside the oath with the penalty in the bill mentioned) did upon the same May 3d (when the second preliminary order was made) pass the first enacting clause, "That all and every person, and persons, as well Peers, as Commoners, that do, or shall hold, or enjoy any beneficial office, or employment, ecclesiastical, civil, or military; or be a Privy Counsellor, or Justice of peace; or (as they added the next day May 4th) have or shall have right to sit, and vote in either house of Parliament, &c." Against this vote also several Lords entered their dissent; as being contrary to the two orders abovementioned, which were pass as previous directions to the committee of the whole house, to whom the said bill was committed; and insisted that the proviso in the late act (sc. 1673) for preventing dangers from Popish Recusants, might be added to this bill, for the preserving the privileges of the Peers, which the house had not been pleased to admit of. Thus it appears, that



that the Peers had finally ordered, That an oath should be taken by the Peers: But what the penalty should be in case of refusal (though there were many adjournments of the committee from hence till the 4th of June) was not determined: and though several penalties were moved at the committee, yet nothing was resolved on, nor any report made to the house after May 7th. And in the mean time, some unlucky disputes happening between the two houses about other matters, the Parliament was prorogued June 9th till October, and so the bill fell, and was never resumed.

This is in short the narrative of the matter of fact, which past then in the house of Peers upon this occasion out of their own journals. Whence it appears

*First*, that it was then the sense of that house (23 only dissenting) That the imposing of an oath upon the Lords, even with the penalty of losing their places, and votes in Parliament in case of refusal, is not a breach of the fundamental rights of Peerage. How the two orders of April 30th, and May 3d (which lay aside the oath, and the penalty) came to be gained, and what was the project, and intrigue of these transactions throughout, would carry me too far into the history of that time. It is enough against the Bishop, that the oath and penalty were presently resumed, and proceeded upon. And

*Secondly*, These very Lords, or some of them, seem to have altered their opinion herein afterward; for the bill for the Test 1678, (at which the Bishop is so much offended) past almost unanimously: 7 Lords only (besides the then Duke of York) dissenting, and they all Papists. And I cannot think, the dissenting Peers will be pleased, that his Lordship should question or arraign them (as he doth p. 4th) for changing their opinion, and consenting to the

the Test bill 1678; they being sufficient judges of their own rights, and honours, without his Lordship's assistance.

*Thirdly*, As to what was added to the standing orders of the house, 'tis in fine no more than an order; and the Peers are masters of their own orders, and may observe, or set them aside, as they see good. One reason, which the 23 Lords gave, why they dissented to the bill, was to preserve their ancient privilege of altering old, and making new laws: and shall the Peers be denied the freedom to set aside their own orders? This very order (which the Bishop takes to be so obligatory) was often urged in 1678, and yet almost unanimously set aside, and even by these very dissenting Lords too.

II. The Bishop's second reason for the repealing the Test is, because of its "dishonourable birth and original; it being the first born of *Oates* his plot, &c."

*Answer*. Though *Oates* hath been since detected, and proved a most abominable cheat, and impostor; I could wish, that what hath happened since did not make several things, which he then related, look like truths now, which many good men did not then believe. Nay, though *Oates* had never been, doth it therefore follow, that there was no Popish plot? Certainly no man reads Mr. *Coleman*'s letters, but must be convinced, that there was a plot laid (before *Oates* appeared) to extirpate the Northern heresy (as he called it) and that two of the *French* King's Confessors at least were privy to it. Whoever looks into the transactions of Parliament for 8 or 9 years before 1678 (and especially 73, 4 and 5) and sees how much time was spent in modelling laws for the security of the Protestant religion, and in contriving methods for the Government, in case of a Po-



pish successor ; will not sure impute the original of those endeavours to *Oates's* perjury. If the Bishop would look into the Journals of the house of Peers; he would find, that November 9th, 1675, a bill was brought from the house of Commons, intituled, "An act for hindering Popish Recusants from sitting in either house of Parliament," (certainly nothing akin to *Oates*, or his plot) which probably had past that session, but the Parliament was in the same month prorogued to February 1676: and whether the proceedings upon that bill might not occasion that long prorogation, I leave to enquiry. What reasons induced the Parliament 1673 to pass the first Test act, it would not perhaps be very agreeable to enquire: But sure it had nothing to do with *Oates* his plot. They that knew the state of the Court, and circumstances of affairs at that time, cannot doubt, but that it was to keep those out of offices, and employments, who by obtaining them would be in a capacity to suppress the Protestant, and introduce the Romish religion. And if the Papists had modestly submitted to that act, and not occasioned fresh jealousy by frequenting the court, and being too busy there, in all probability no new laws would have been made against them. Upon the whole, I do not see (for all the Bishop's arguments) that the laws we are possess of, for the security of our religion, should be accounted odious, and repealed, because *Oates* is proved an impostor: for long before he was thought of, all Papists were by several laws excluded from all offices in the government. And whether this be a proper time to give them power to destroy the Protestant religion, (for no man can doubt, if they had the power, and the laws were out of the way, they would think them-

themselves bound to do it) a Parliament (when the King thinks fit to call one) will be the best judge.

III. The Bishop's next reason, why he would have the Test abrogated, is because of the "incompetent authority, by which the law was enacted."

*Answer.* His Lordship having (as he thinks) settled the *Ecclesiastical Polity*; sawcily takes upon himself to question all the powers, and authorities upon earth. He may as well pretend, that the Parliament had not a competent authority to enact the oath of allegiance. For I have heard many Papists profess, that the main reason, why they cannot take the oath is, because the Parliament hath not a competent authority to determine what is impious, or heretical; which that oath doth. Though I will not argue with his Lordship's divine verities; yet I am satisfied in myself, that I may take the oaths, and make the subscriptions appointed by law, without intrenching upon the authority of the Church. But however; he, who can content himself in his private station, without the ambition of making a figure in the State, incurs no penalty from either of the Acts, nor is obliged to take the oaths, or tests. But he thinks he may say any thing, because no authority is like to question him, but a Parliament: and therefore to that I leave him. When that shall fit, he may perhaps know, whether they will allow him to question their authority in the legislature: I am apt to think, that neither Lords nor Commons will sit down quietly under the severe, and foul language, he hath given them. He may then be taught, that though he may use all freedom in debates about any bills, which are preparing; yet when they are past into laws, (the royal assent being given them) it is dangerous to arraign



them; the King's laws being the life of the Government.

IV. His last reason for repealing the Test is, "because of the uncertainty, and falshood of the matter contained in the Declaration itself."

*Answer.* What is the true notion of Transubstantiation, and Idolatry, according to the Church of *England*, I will leave to be debated with the Bishop by abler persons, who (I doubt not) will take him to task in these particulars. However we will not learn this of him, who was born of fanatical parents, and was educated in their principles: and though he hath since for preferment swallowed all oaths, and tests, and hath written with great sharpness against Popery; yet hath he not shewed himself to have the true principles of the Church of *England*. But omitting this, I shall only shew him here some few more of his mistakes in matter of fact, and correct them: which was my main design.

1. He seems, p. 9th and 10th, to take little *Achitophel* (as he calls him, meaning the E. of *Shaftsbury*) to have been the infamous Author of this Test: But they who understand the affairs of that time much better, than the Bishop can pretend to do, know it was otherwise. The bill was sent up from the house of Commons; being but the reviving of that before mentioned, which they sent up once before in November 1675; as thinking still, that it was necessary for the preservation of the Government. If *Shaftsbury* concurred in it, it was only, because it came from the house of Commons; he being then very industrious in his courtship to that house.

2. As to what he saith p. 10th: "That the design of the Test was to pursue, and hunt down the Heir of the Crown; and in order to that, to strip him of

of the guards of his most faithful friends:" he forgets, that, by particular proviso, nothing in that Act was to extend to the Duke of York; and if the guards of his most faithful friends (which he mentions) were not Papists, the Act meddled not with them; and if they were, he was stript of them by the Test imposed 1673.

3. Who were the two fathers, or rather midwives (as he calls them p. 11th) of the first Test in 1673, doth not appear by the Journals of the house of Commons; so that his Lordship can only have been told, that they were the "two famous Burgeffes of Oxford." And in that he may have been misinformed in the whole, as I am sure he is in part. For the Alderman, he mentions, was not then a Member of Parliament; and it can be made appear, that the Recorder of *Oxford*, who was one of their Burgeffes, never opened his lips in that matter.

4. He tells us, what was objected against the "Church of *England* by the Roman divines of *Cologne* in his Majesty's presence; and that thereupon Dr. *Cosins* (then Dean of the Chapell) by his Majesty's command wrote a discourse to vindicate the Church of *England*, and to give account of its sense concerning the true real presence." But there are persons yet living, who know, that there never were any disputes before the King, while he resided at *Cologne*, by any of the Roman divines; that Dr. *Cosins* was never Dean of the Chapell royal, nor ever at *Cologne*, (but remained at *Paris*, to take care of the Queen mother's Protestant servants;) and that if the Bishop had lookt upon Dr. *Cosins*'s History of Transubstantiation (which I suppose is the discourse he means;) he would have found, that it was written at *Paris*, long before the King's being at *Cologne*,



N<sup>o</sup> XLIII.*Audacious attempts of Popish Seducers in King  
JAMES's Reign.*

**B**OOKS and Pamphlets prejudicial to the Church are sold on every stall, cryed about by hawkers in the streets as commonly as Gazetts, thrown or brought into houses, or sent by penny post bundles, such as; *The Touchstone of the reformed Gospel: The Translation of the Mass: The Papist misrepresented: The Exposition of the Bishop of Meniv.*

Papists bring papers into Coffee houses, and plead the cause out of them as out of so many briefs: Thus did a new Convert in a Coffee house in *Covent Garden*. A priest discoursed publickly in such a house in a neighbouring parish about Invocation of Saints.

Some Priests of foreign Ministers catechise the children of the *English* in *English*, and by way of Sermon expound an hour in an afternoon and reflect upon our Church. Thus have done Father *Jacob* and another Father at the Resident's of *Florence*.

When the Church-men come to dying persons they often find that Priests or Lay-Papists have been tampering with them. This was the case of Mr. *J. M----*.

Sometimes Priests come in disguise, and under the pretext of administering physick. Thus did one nigh *Charing Cross*, who came to a man, now dead, with a glass of medicinal liquor.

Papists,

Papists, both of the laity and clergy, offer arguments to the passengers in hackny coaches to *Windsor*, and other places, and perhaps Dr. B. may call to mind the beginning of his own unacceptable discourse to a military person in his coach from *Islington*.

Papists deal with children, and sometimes forbid them to read the Bible in our translation: so they dealt with the daughter in law of one Mrs. *Hall* about sixteen years old.

Sometimes they suggest great hopes of recovery to the sick, upon reconciling themselves to the Church of *Rome*: so they did in the case of a sick woman, not far from *Somerset House*, in great pain with the stone.

Some Papists pretend kindred, where they are not akin; and under this cover make visits, and enter into discourse about religion as in the case of a Lady in *Covent Garden*.

Priests and others offer to pregnant youths preferment at *Doway*, or *St. Omers*: as in the case of a student in *King's College*.

Some Priests christen children, even where the parents are against it; ex. gr. *Dan Maniato*, servant to the Resident of *Florence*, came with a Priest to the house of *Francis Herd*, of *Soho*, (whose wife the said *Daniel* had abused) and he christned the said child, without any leave, and to the great grief of the said *Francis Herd*, and without any notice there taken of the said *Maniato's* violence and adultery. It is true, this is a last year's story, and heard of formerly, but not so confirmed to me as in this week.

I suppose you do not expect, that I should tell you of every thing that I have heard or known of this



this nature, especially of such relations as have been received under the seal of secrecy. Enough hath been said to satisfy you that our Churchmen do not unnecessarily break silence.

I am, &c. O. O.

#### N<sup>o</sup>. XLIV.

*The Case of reading the Declaration for Liberty of Conscience, briefly stated in four Propositions: [by Mr. JONAS PROAST, Chaplain of All Souls, and afterward Archdeacon of Berks.]*

**T**HE intent of the Declaration itself is, that men may use such a liberty, in matters of Religion, as cannot be used, without violating the laws of God and this Kingdom.

II. The intent of the order for the Clergy's reading the Declaration is, that the Declaration may have the fuller effect, in the more general use of that unlawful liberty.

III. Therefore, in the King's intention, and according to the most natural construction of the thing itself, the Clergy's reading the Declaration is a direct promoting the use of that unlawful liberty.

IV. Therefore the Clergy cannot lawfully obey the order for their reading the Declaration.

N<sup>o</sup>. XLV.

N<sup>o</sup>. XLV.

[*Copy of a Letter in Archbishop SANCROFT's  
own hand.*]

**M**Y Lord; This is only in my own name,  
and in the name of some of our Brethren  
now here upon the place, earnestly to desire you  
immediately upon the receipt of this letter to come  
hither with what convenient speed you can, not ta-  
king notice to any, that you are sent for. Wishing  
you a prosperous journey and us all a happy meet-  
ing, I remaine

Your very loving Brother.

N<sup>o</sup>. XLVI.

*Two Letters to the Archbishop from the Bi-  
shop of Winchester [MEWS.]*

May it please your Grace,

**T**HOUGH I was to-morrow to begin a course  
of Phys, yet I shall, God willing, come part  
of the way towards you: and am

Your obedient

*Farnham Castle,  
May 13. 1688.*

Son and Servant,

P. WINCHESTER.



May it please your Grace,

**T**HE wounds in my hand, which have of late been uneasy to me, have this night afflicted me to that degree, that I am forced to let blood, and so am made at present uncapable for to bear the motion of a coach. What ease I may receive by this I cannot yet tell, though it hath formerly been successfull. But it is very uneasy to me that I am disappointed in my intentions of wayting on you. I beg your pardon and prayers for

Your obedient Son and Servant,

*Farnham Castle,*  
May 14. 1688.

P. WINCHESTER.

N<sup>o</sup>. XLVII.

*Letter to Archbishop Sancroft from JOHN  
TILLOTSON, D. D. Dean of Canterbury.*

May it please your Grace,

**T**HOUGH I am very sensible, how unfitt I am to advise in difficult cases, yet I could never forgive myself, if I should be wanting to our Religion and Church in any thing, wherein your Grace shall think I may be in the least serviceable; and therefore I shall not faile, God willing to wait  
upon

upon your Grace to morrow morning at the houre appointed. I humbly beg your Grace's blessing and remaine

My Lord

your Grace's most obedient

Son and Servant,

JO. TILLOTSON.

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N<sup>o</sup> XLVIII.

*Letter to the Archbishop from the Bishop of  
Landaff [BEAW.]*

May 27 [1688.]

May it please your Grace,

**T**HERE came to my hands from my Brother of *Gloucester*, Fryday night last, a copy of a Petition, deliverd to His Majesty by six Bishops of your Province, on behalf of your Graces themselves, and of others their absent brethren.

My Lord, I was one of those absent; but I was absent in body only, my soul went along with them. I wholly concurrd with them with my heart, and I now send my hand to bear testimony thereto.

Because I find I cannot be back soon enough in my Diocese (whether I am hastning) to give a stop to the distributions myself, I have orderd a messenger to be dispatched with all speed to my Chan-

S f 2

cellor



cellor (who is upon the place) with my commands to him, to detain what Declarations shall be sent, and I make no doubt but to be obeyed.

God preserve your Grace; grant us all to be of one mind; and to dare to do well in evil times. This is the prayer of your Grace's

most humble and dutifull

Servant,

W. LANDAFF,

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N<sup>o</sup> XLIX.

*Letter from the Bishop of Worcester*

[THOMAS.]

*Worcester, June 3d.—88,*

Worthy Sir,

**I** THANK you for your congratulating my recovery, which as yet is so very infirm. I rather creepe than goe. I pray present my dutifully devoted observance to my Lord's Grace of *Canterbury*. I pray God direct and prosper his steerage of the Church of *England* in these tempestuous times. In a cordial compliance with his Grace's pious conduct in the late Petition presented to the King, I have retained in my custody the packet of the printed coppies of the Royal Declaration of Indulgence,

gence, which I could not transmitt to the Clergy of my Diocese committed to my pastoral charge (*salva conscientia, salvo honore ecclesiæ Anglicanæ.*) It is a piercing wounding affliction to me to incurre his Majesty's displeasure to be misinterpreted guilty of the least degree of disloyalty or ingratitude (which my soul abhorres) towards my inexpressibly obliging master and benefactor, patron and sovereign, whose special Mandate I have receaved in the concerne of the Indulgence imparted to me by the Lord Bishop of St. *David's*; wherein nothing could divert or slacken my intire submission and utmost conformity, but my dread of the indignation of the King of Kings, to whom being neare the brinke of the grave I must shortly give an account of my managing of the episcopal station (wherein God be mercifull to me) I apprehend it a duty incumbent on me, indispenibly strict, to be a skreene to my Clergy, to endeavour to secure them from sinnes and perills, not to lay traines for either, by recommending the publication of that to their parishioners, wherein my owne judgment is abundantly dissatisfyed, and theirs also.

I resolve by God's gracious assistance to suffer the greatest temporal evil of distresse rather than to act or promote the least spiritual evil of guilt: I rest

your faithfull friend

to serve you,

W. WORCESTER.

N<sup>o</sup> L.



N<sup>o</sup>. L.

*Letter from the Bishop of Carlisle [SMITH] to  
the Bishop of Ely [TURNER.]*

*Rose Castle, June 4. 1688.*

My very good Lord,

**Y**OUR kind letter of the 26th past came safe to my hands on the 31st, for which I return your Lordship my most humble thanks, and do account myself very much obliged to you for it; it having acquainted me with many particulars whereof till then I was wholly ignorant. The Petition itself had been sent me some few days before, with which I was so very much pleased and satisfied, that I immediately resolved to take the first opportunity of declaring my assent to it, and my very hearty concurrence with your Lordships in it. I desire you will be pleased to let me know in what form you would have me do it, for at present I am at a losse, in regard to the title of your petition (running for the Province of *Canterbury* onely) seems to have shut me out, at which I must confesse I did (at the first reading of it) somewhat repine. With all this, my Lord, I beg you will please to acquaint my Lord's Grace, to whom I present my most humble duty, and my very humble service to yourself, and the rest of the seven, remaining ever (my very good Lord)

your Lordship's most  
affectionate brother  
and most faithful Servant

THO. CARLIOL.

My

My Lord, I have disposed of your letter, so as your Lordship directed, no eye having seen the inside of it but my own.

Yesterday, your Lordship knows, was the day appointed for the first reading of the Declaration, but I do not believe it was read by any one man of this Diocese.

When your Lordship shall give me the honour of another letter, be pleased to put it under a cover, directed to Mr. *John Nicholson*, at *Rose Castle*, near *Carlisle*, *Cumberland*.

[Superscription]

To the R. R. Father in God *Francis*

Lord Bishop of *Ely*, these, at

*Ely-House*,

*London*.

---

N<sup>o</sup>. LI.

*The Petition of some of the Bishops to his Majesty*  
[K. JAMES II.] *against distributing and*  
*reading his Declaration for Liberty of Con-*  
*science ; with some Proceedings thereupon.*

ON Friday, May 18th, 1688, a Petition to the King was formed at *Lambeth*, by *William* Lord Arch-bishop of *Canterbury*, and several suffra-  
gan



gan Bishops of that province; (viz. *Henry Lord Bishop of London, William of St. Asaph, Francis of Ely, John of Chichester, Thomas of Bath and Wells, Thomas of Peterborough, and Jonathan of Bristol;*) in the presence, and with the consent of *John Tillotson, D. D. Dean of Canterbury, Edward Stillingfleet, D. D. Dean of St. Paul's, Simon Patrick, D. D. Dean of Peterborough, Thomas Tenison, D. D. Vicar of St. Martin's in the Fields, Robert Grove, D. D. Rector of St. Andrew's Undershaft, and William Sherlock, D. D. Master of the Temple.* The tenour of the Petition was as followeth:

*To the King's most excellent Majesty.*

The humble Petition of *William Arch-bishop of Canterbury*, and of divers of the Suffragan Bishops of that Province, now present with him, in behalf of ourselves, and other of their absent Brethren, and of the Clergy of their respective Dioceses;

Humbly sheweth;

That the great averfeness they find in themselves to the distributing, and publishing in all their churches your Majesty's late Declaration for liberty of conscience proceedeth—neither from any want of duty and obedience to your Majesty; our holy Mother, the Church of *England*, being, both in her principles and constant practice, unquestionably loyal; and having (to her great honour) been more than once publickly acknowledged to be so by your gracious Majesty:—nor yet from any want of due tenderness to Dissenters; in relation to whom they are willing to come to such a temper, as shall be thought fit, when that matter shall be considered,  
and

and settled in Parliament and Convocation:—but among many other considerations, from this especially; because that Declaration is founded upon such a dispensing power, as hath often been declared illegal in parliament; and particularly in the years 1662, and 1672, and in the beginning of your Majesty's reign; and is a matter of so great moment and consequence to the whole Nation, both in Church and State, that your Petitioners cannot in prudence, honour, or conscience so far make themselves parties to it, as the distribution of it all over the Nation, and the solemn publication of it once, and again, even in God's house, and in the time of his divine service, must amount to in common and reasonable construction.

Your Petitioners therefore most humbly and earnestly beseech your Majesty, that you will be graciously pleased not to insist upon their distributing and reading your Majesty's said Declaration:

And your Petitioners shall ever pray, &c.

W. CANT.

THO. BATH & WELLS.

W. ASAPH.

THO. PETRIBURGENS.

FRAN. ELY.

JON. BRISTOL.

JO. CICESTR.

[On two other Copies of the above Petition, one of which is in the Archbishop's hand, are the following subscriptions.]

Approbo H. LONDON, May 23. 1688.

May 23. WILLIAM NORWICH.

May 21. 88. ROBERT GLOUCESTER.

May 26. SETH SARUM.

P. WINCHESTR.

THO. EXON, May 29. 1688.

VOL. I.

T t

In



In the evening of the same day, the *Petition* being finished, all the subscribers, (except the Archbishop, who had been forbidden the Court almost two years before,) went over to *Whitehall* to deliver it to the King. In order thereto the Bishop of *St. Asaph* went first to the Earl of *Middleton*, (Principal Secretary,) in the name of all the rest, to desire his assistance for the introducing them to his Majesty: but he had been sick for a fortnight before, and so confined to his chamber. Then *St. Asaph* (his brethren staying at the Earl of *Dartmouth's* house) went, and made the like application to the Earl of *Sunderland*, desiring him to peruse the *Petition*, and acquaint his Majesty with it, that he might not be surpris'd at the delivery of it; and withal to beseech his Majesty to assign the time and place, when and where they might all attend him, and present their *Petition*. The Earl refused to inspect the *Petition*, but went immediately, and acquainted the King with their desire; and they were presently thereupon brought to the King in his closet within his bed-chamber; where the Bishop of *St. Asaph* with the rest, (all being upon their knees,) delivered their *Petition* to his Majesty. The King was pleas'd (at first) to receive the Petitioners and their *Petition* graciously, and upon the first opening of it to say, This is my Lord of *Canterbury's* own hand: to which the Bishops replied, yes, Sir, it is his own hand. But the King, having read it over, and then folding it up, said thus, or to this effect.

*King.* This is a great surprize to me: here are strange words. I did not expect this from you. This is a Standard of Rebellion.

*St. Asaph* (and some of the rest) replied, that they had adventured their lives for his Majesty; and  
would

would lose the last drop of their blood, rather than lift up a finger against him.

*King.* I tell you this is a Standard of Rebellion : I never saw such an address !

*Bristol* (falling down on his knees) said, Rebellion ! Sir, I beseech your Majesty, do not say so hard a thing of us. For God's sake do not believe, we are, or can be guilty of a Rebellion. 'Tis impossible, that I or any of my family should be so. Your Majesty cannot but remember, that you sent me down into *Cornwall* to quell *Monmouth's* Rebellion ; and I am as ready to do what I can to quell another, if there were occasion.

*Chichester.* Sir, we have quelled one Rebellion, and will not raise another.

*Ely.* We rebel, Sir ! we are ready to die at your feet.

*B— and W—.* Sir, I hope, you will give that liberty to us, which you allow to all mankind.

*Peterburgh.* Sir, you allow liberty of conscience to all mankind : the reading this Declaration is against our conscience.

*King.* I will keep this paper. 'Tis the strangest address, which I ever saw : it tends to Rebellion. Do you question my dispensing power ? Some of you here have printed, and preached for it, when it was for your purpose.

*Peterburgh.* Sir, what we say of the dispensing power refers only to what was declared in Parliament.

*King.* The dispensing power was never questioned by the men of the Church of *England*.

*St. Asaph.* It was declared against in the first parliament called by his late Majesty, and by that which was called by your Majesty.

The *King*, (insisting upon the tendency of the



Petition to Rebellion) said, He would have his Declaration published.

*B— & W—*. We are bound to fear God, and honour the King. We desire to do both: we will honour you; we must fear God.

*King*. Is this what I have deserved, who have supported the Church of *England*, and will support it? I will remember you that have signed this paper. I will keep this paper; I will not part with it. I did not expect this from you; especially from some of you. I will be obeyed in publishing my Declaration.

*B— & W—*. God's will be done.

*King*. What's that?

*B— & W—*. God's will be done. and so said *Peterburgh*.

*King*. If I think fit to alter my mind, I will send to you. God hath given me this dispensing power, and I will maintain it. I tell you, there are seven thousand men, and of the Church of *England* too, that have not bowed the knee to *Baal*.

This is the sum of what passed, as far as the Bishops could recollect it; and, this being said, they were dismissed.

The Petition was after approved and subscribed by divers of the absent Bishops: sc. by *Henry London*, May 23d. *Will. Norwich*, May 23d. *Robert Gloucester*, May 21st. *Seth Sarum*, May 26th, *William Landaff*, May 27th, *William Worcester*, June 3d, *Peter Winchester*, May —, *Tha. Exon*, May 29th.

Thus

*and are summoned to appear again.* 341

Thus things remained for some time after : and though in the mean while many, and very different methods of severity intended against us were spoken of in the talk of the town, yet nothing seems to have been resolved on ; at least nothing was done till Sunday May 27th. Late in the evening that day one of his Majesty's messengers served the Archbishop of *Canterbury* with the following Summons.

Locus  
Sigilli      *Robert* Earl of *Sunderland*, Baron *Spencer* of *Wormleighton*, President of his Majesty's most honourable Privy Council, Principal Secretary of State, and Knight of the most noble order of the Garter, &c.

These are in his Majesty's name to require *William* Lord Arch-bishop of *Canterbury*, to appear personally before his Majesty in Council upon the eighth day of June next at five in the afternoon, to answer to such matters of misdemeanor, as on his Majesty's behalf shall then and there be objected against him : And you are hereby required to summon the said *William* Lord Arch-bishop of *Canterbury* to appear accordingly : and for so doing this shall be your warrant. Given at the Court at *Whitehall* the 27th day of May 1688.

To Sir John Taylor,

one of his Majesty's

SUNDERLAND P.

Messengers in Ordinary.

So many of the Petitioners as were in town, (viz. the Bishops of *Ely*, *Chichester*, and *Peterburgh*) were at the same time served with the like summons by other of the King's messengers ; and the like sent after the rest, who were gone home into their dioceses.

*Letter*



*Letter to the Archbishop from the Bishop of  
Norwich [LLOYD.]*

1 June 88.

May it please your Grace,

**I** SHOULD have waited upon Grace had I not been harrassed with the new distemper (as its called) and thereby been confined to my chamber for these two days last past.

I was last Wensday with Mr. *Henry Pollexphen*, who promised to appeare for your Grace, and the rest of my Lords the Bishops, if desired so to doe. I asked of him, whether I might acquaint your Grace with what he promised? His answer was, I pray give my duty to his Grace, and assure him, that I will faithfully serve him, as farr as my skill in my profession will enable me.

I have sent your Grace the papers that your Grace was pleased to communicate unto me, which with my due thanks and humble duty tendered is all at present

From your Grace's most obliged Servant,

to command,

WILLIAM NORWICH.

*Letter*

*Letter to the Archbishop from the Bishop of  
LONDON [COMPTON.]*

Friday

My Lord,

I WAS yesterday in Town, but had not time to wait upon you. I thought it therefore my duty to give you the best intelligence I could meet with, which was this; they were resolved before the time of your appearing to make all the Clerks of the Council Justices of the peace. He that discovered this seemed likewise to hint, that it was done to capacitate them to take your several recognisances. What use this may be to you, I know not; but I thought it my duty to impart so much from,

My Lord,

Your Grace's most faithful Servant,

H. LONDON.

[Superfcription]

To the most Reverend

the Lord Archbishop of

Canterbury,

at Lambeth.

Letter



*Letter to the Archbishop from the Bishop of  
Ely : With two Papers.*

*Ely House, Friday Morn.*

May it please your Grace,

**W**E spent much time yesternight with our ablest and kindest advisers, who are unanimous in this opinion, that we should by no means answer particular questions, but keep to the general; What are the matters of misdemeanour against us; and desire a copy of our charge. Two of our number had a long discourse (even till past eleven at night) with Sir *R. Sawyer*, from whom we received more instruction than from all the rest. That conference is summed up in the inclosed half sheet of paper [N<sup>o</sup> I.] and our measures of answering are sett down to us. The other paper (the sheet) [N<sup>o</sup> II.] are the minutes out of the Counsell book on my *Ld Lovelace's* case. All our wise friends are of the mind that we should give no Recognizances. We shall attend your Grace between two and three (Cum Deo)

Your Grace's most obedient Servant,

FRA. ELY.

N<sup>o</sup> I.

Our appearance before the Council.

Q. Whether the Privy Counsell, being no Court of Record, can require us to enter into Recognizances

zances for appearance in any case, where they are not particularly authorised so to do by Act of Parliament?

*A.* Never done.

It does not appear that any of the house of Lords ever gave Recognizances for misdemeanour.

The Privy Counsell have not committed for misdemeanour.

If no Recognizances be given, their proceedings with us must be by Subpena out of the King's Bench; and then we may imparle till the term after.

*Q.* My Lords do you own this Petition to be yours? And are these your subscriptions?

*A.* The Petition was delivered to the King personally: His Majesty knows what we delivered. Therefore before we make answer to this question, which may accuse ourselves, we humbly desire to know, Whether the King requires it of us?

[The following Paragraph in the Abp's hand]

We are not bound to accuse ourselves. Notwithstanding, if the King requires it, we will declare the true matter of fact; trusting in his Majesty's justice and generosity, that it shall not be turned to our prejudice.

May it please your Majesty,

We are summoned here to answer to matters of misdemeanour which shall be objected against us; which objections we are ready to receive; and when we have received them we shall humbly beg, that we may be allowed some convenient time to advise what answer to make.

We are here, in obedience to his Majesty's com-



mands, to receive our charge, if there be any against us: But we humbly desire, that we may be excused from answering questions from whence occasion may be taken against us.

Whatever we did, we did it not out of any factious or seditious design, but out of a sense of our duty, both as Prelates of the Church and Peers of the Realm, to lay before your Majesty the obligation that lies upon us to preserve the laws of the Land, and our Religion according to the Reformation. And we should not have interposed herein, had not your Majesty's Order for publishing the Declaration in our Churches made it necessary for us to apply to your Majesty.

#### N<sup>o</sup> II.

The Lord *Lovelace* gave no positive answers to the Affidavits of words spoken by him;

But desired copies of them; that he might advise with Counsell, and have time to give his Answer: which copies were not granted.

Twas told him twas matter of fact.

His answer was, He had not skill in the laws, but perhaps matter of law might arise upon perusal of those affidavits.

And his Lordship asked, What reparation he was to expect, in case those who had sworn to the affidavits should be proved perjured?

The Attorney was ordered to bring an Information against his Lordship, in the King's Bench, the next term.

But there was not any Recognisance tendered to his Lordship for his appearing.

Nor can it be remembered, that any such Recognisance hath been tendered to any Peer of the Realm for the like appearance.

ON

ON Friday, June 8th at five in the afternoon, his Majesty came into the Privy Council. About half an hour after, the Arch-bishop and six Bishops, who were attending in the next room, were called into the Council Chamber, and graciously received by his Majesty.

The Lord Chancellor took a paper then lying on the table, and, shewing it to the Arch-bishop, asked him in words to this effect—

Is this the Petition, that was written and signed by your Grace, and which these Bishops presented to his Majesty?

The Arch-bishop received the paper from the Lord Chancellor, and, addressing himself to his Majesty, said to this purpose—

Sir, I am called hither as a Criminal; which I never was before in my Life, and little thought I ever should be, especially before your Majesty: but, since it is my unhappiness to be so at this time, I hope, your Majesty will not be offended, that I am cautious of answering questions. No man is obliged to answer questions, that may tend to the accusing of himself.

His Majesty called this chicanery, and hoped, he would not deny his hand.

The Arch-bishop still insisted upon it, that there could be no other end of this question, but to draw such an answer from him, as might afford ground for an accusation; and therefore desired, there might be no answer required of him. St. A—said, all divines of all Christian Churches agree in this, that no man in our circumstances is obliged to answer any such question. The King still pressing for an answer with some seeming impatience, the Archbishop said; Sir, though we are not obliged



to give any answer to this question, yet, if your Majesty lays your commands upon us, we shall answer it, in trust upon your Majesty's justice and generosity, that we shall not suffer for our obedience, as we must, if our answer should be brought in evidence against us. His Majesty said, no; I will not command you: if you will deny your own hands, I know not what to say to you, &c. The Lord Chancellor said, withdraw. After about half a quarter of an hour they were called in again: then the Lord Chancellor said, his Majesty has commanded me to require you to answer this question—Whether these be your hands that are set to this Petition? His Majesty himself also said, I command you to answer this question. Then the Archbishop took the Petition, and, having read it over, said, I own, that I writ this Petition, and that this is my hand. Then the Lord Chancellor asked each of the Bishops; and they all acknowledged their hands, and that they delivered this Petition. Then they were commanded to withdraw. After a while they were called in a third time. Then the Lord Chancellor told them, it is his Majesty's pleasure to have you proceeded against for this Petition: but it shall be with all fairness in *Westminster-hall*: there will be an information against you, which you are to answer; and in order to that you are to enter into a Recognizance. The Archbishop said, that without a Recognizance they should be ready to appear and to answer, whensoever they were called. One of the Bishops said, the Lord *Lovelace* had been called before the Council to answer to a complaint that was brought in against him, and that he was allowed to answer it in *Westminster-hall* without entering into any Recognizance; and that they hoped, they might be allowed to answer in like nature. The  
Lord

Lord Chancellor said, the Lord *Lovelace* had affronted his Majesty, and had behaved himself very rudely before them; and therefore his Majesty would have him proceeded against the common way; but, for the Bishops there present, his Majesty was pleased to treat them with all favour in respect of their character; and therefore he would have them enter into Recognizance. His Majesty was pleased to say, I offer you this as a favour, and I would not have you refuse it. St. *A*— said, whatsoever favour your Majesty vouchsafes to offer to any person, you are pleased to leave it to him whether he will accept it, or no; and you do not expect, he should accept it to his own prejudice. We conceive, that this entering into Recognizance may be prejudicial to us; and therefore we hope, your Majesty will not be offended at our declining it. Then the Lord Chancellor said, there are but three ways to proceed in matters of this kind; it must be either by Commitment, or by Recognizance, or by Subpœna out of King's Bench. His Majesty was not willing to take the common way in proceeding against you, but he would give you leave to enter into Recognizance; and his Lordship again advised them to accept it. Some of the Bishops said, they were informed, that no man was obliged to enter into Recognizance, unless there were special matter against him, and that there was oath of it made against that person: this they said, not considering, that now the Petition was made special matter, and that their confessing it was as good as an oath. But at last they insisted on this, that there was no precedent for it, that any member of the House of Peers should be bound in Recognizance for misdemeanor. The Lord Chancellor said there were precedents for it; but, being desired to name one, he named none.



none. The Bishops desired to be proceeded against the common way; but that was not allowed, and they were a third time commanded to withdraw.

Awhile after they were called in a fourth time, and asked, whether they had considered of it better? and, whether they would accept his Majesty's favour? The Archbishop said, he had the advice of the best Council in town; and they had warned him of this, assuring him, it would be to his prejudice; and therefore he desired, that it might not be required, offering his promise again to appear and to answer, whensoever he should be called. But his Majesty seemed to be displeased, and said, you will believe others before you will believe me: so they were the fourth time commanded to withdraw.

A good while after this the Earl of *Berkeley* came forth to the Bishops, and endeavoured first to persuade the Archbishop to enter into Recognizance, which he thought had been agreed between them over night; for on Thursday night, almost at bed time, his Lordship came to the Archbishop at *Lambeth*, and after half an hour's discourse at last came to speak of his appearing at Council the next day, and then advised his Grace to offer a Recognizance: his Grace said, I am advised to that way: his Lordship said, that is well, and soon after took his leave: Now he seemed to look upon it as something strange, that his Grace should refuse to enter into Recognizance: but, finding him fixed, he endeavoured to persuade the other Bishops. He told them, he would do it, if he were in their case; but, finding them all of a mind, he went outward from the Council, but soon after returned that way into the Council Chamber again: from whence about half an hour after came forth Mr. *Riley*, a Serjeant at Arms, with the Warrant, signed with  
*fourteen*

*fourteen* hands, to carry the *seven* Bishops to the Tower; and another warrant, with *nineteen* hands and seals, for the Lieutenant of the Tower to keep them in safe custody.

*Dialogue between the King and Bishops*

*after the third, or fourth coming in.*

A. Sir, we appear before you this day by virtue of your Summons as Criminals; the first time that ever I stood as a Criminal before any man, and I am sorry, that it happens to be before my sovereign Lord. We are advised, Sir, that they, who are in this condition of Criminals, are not obliged to answer to questions, which may be to their prejudice: notwithstanding, if your Majesty requires it of us, we will tell you the true matter of fact, trusting in your Majesty's justice and generosity, that no advantage shall be taken against us from our confession.

Q. Is this your Petition?

R. Pray Sir, give us leave to see it; and, if upon perusal it appears to be the same ——— yes, Sir; this is our Petition, and these are our subscriptions.

Q. Who were present at the forming of it?

R. All we, who have subscribed it.

Q. Were no other persons present?

R. 'Tis our great infelicity, that we are here as Criminals; and your Majesty is so just and generous, that you will not require us to accuse either ourselves or others.

Q. Upon what occasion came you to *London*?

R. I received an intimation from the Archbishop, that my advise and assistance was required in the affairs of the Church.

Q. What



*Q.* What were the affairs which you consulted of?

*R.* The matter of the Petition.

*Q.* What is the temper you are ready to come to with the Dissenters?

*R.* We refer ourselves to the Petition.

*Q.* What mean you by the dispensing power being declared illegal in Parliament?

*R.* The words are so plain, that we cannot use any plainer.

*Q.* What want of prudence or honour is there in obeying the King?

*R.* What is against conscience is against prudence, and honour too; especially in persons of our character.

*Q.* Why is it against your conscience?

*R.* Because our consciences oblige us (as far as we are able) to preserve our Laws and Religion according to the Reformation.

*Q.* Is the dispensing power then against Law?

*R.* We refer ourselves to the Petition.

*Q.* How could the distributing and reading the Declaration make you parties to it?

*R.* We refer ourselves to our Petition, whether the common and reasonable construction of mankind would not make it so.

*Q.* Did you disperse a printed Letter in the Country, or otherwise dissuade any of the Clergy from reading it?

*R.* If this be one of the articles of misdemeanor against us, we desire to answer it with the rest.

*General.* We acknowledge the Petition: we are summoned to appear here to answer such matters of misdemeanor, as should be objected; we therefore humbly desire a copy of our charge, and that time convenient may be allowed us to advise about it, and answer it. We are here in obedience to his  
Ma-

Majesty's command to receive our charge, but humbly desire, we may be excused from answering questions, from whence occasion may be taken against us.

*Warrant of Committment of the Bishops to the Tower.*

**T**HESE are in his Majesty's Name and by his command to require you to take into your custody the persons of *William* Lord Archbishop of *Canterbury*, *William* Lord Bishop of *St. Asaph*, *Francis* Lord Bishop of *Ely*, *John* Lord Bishop of *Chichester*, *Thomas* Lord Bishop of *Bath and Wells*, *Thomas* Lord Bishop of *Peterborough* and *Jonathan* Bishop of *Bristol*, for contriving, making and publishing a seditious Libel in writing against his Majesty, and his Government, and them safely to keep in your custody, untill they shall be delivered by due course of Law: For which this shall be your sufficient Warrant. At the Council Chamber in *Whitehall* this 8th day of June 1688.

To the Lieutenant  
of the Tower of *London*.

JEFEREYS C. SUNDERLAND P. ARUNDEL C. P. S.  
POWIS. MULGRAVE. MORRAY. MIDDLETON.  
EDW. HERBERT. MELFORT. DOVER. HUNTINGTON.  
J. ERNLE. CASTLEMAIN. PETERB. N. BUTLER.  
PRESTON. GODOLPHIN. CRAVEN. DARTMOTH.

June 12. 1688. This is a true Copy of the Original compared by us.

NATH. POWEL Not. P. THO. NEWCOME. FRA.  
NICHOLS.



*Order of Council for prosecuting the Bishops.*At the Court at *Whitehall*, June 8th, 1688.

Present

*The King's most excellent Majesty.*

Ld. Chancellor.	E. of Middleton.
Ld. President.	E. of Melfort.
Ld. Privy Seal.	E. of Castlemain.
Marq. of Powis.	Viscount Preston.
Ld. Chamberlain.	Ld. Dartmouth.
E. of Huntington.	Ld. Godolphin.
E. of Peterborow.	Ld. Dover.
E. of Craven.	Mr. Chanc. of the Excheq.
E. of Berkeley.	Ld. Ch. Justice Herbert.
E. of Moray.	Sir Nicholas Butler.

Mr. Petre.

There being this day issued a Warrant by his Majesty's special command in Council, under the hands and seals of the Lords of his Majesty's most honourable Privy Council, for committing to the Tower of *London*, his Grace *William* Lord Archbishop of *Canterbury*, *William* Lord Bishop of *St. Asaph*, *Francis* Lord Bishop of *Ely*, *John* Lord Bishop of *Chichester*, *Thomas* Lord Bishop of *Bath* and *Wells*, *Thomas* Lord Bishop of *Peterborough*, and *Jonathan* Lord Bishop of *Bristol*, for contriving, making and publishing a seditious Libel against his Majesty, and his Government (a copie whereof is hereunto annexed) there to be safely kept, untill they shall be delivered by due course of law: It is this day further ordered by his Majesty in Council, that Sir *Thomas Powis*, Knight, his Majesty's Attorney

torney General, and Sir *William Williams*, Knight, his Majesty's Solicitor General, do forthwith prepare an Information against the said Archbishop, and the several other Bishops above named, for the offence aforesaid, and prosecute the same according to Law, in his Majesty's Court of the King's Bench the next Term.

*Ex Orig.*

*Letter to the Archbishop from the Bishop of*  
LONDON.

Saturday.

My Lord,

**T**HIS comes to bring that service to you, which by the help of God shall be never wanting. I am sorry with all my heart, that his Majesty has no more confidence in his best friends. I pray God give you your health during your continuance in this place, which will, I hope, be but a very short time. How long I shall be from you I cannot tell: but you may be assured my heart shall be ever with you. And whilst I am at liberty, I beseech you not to spare me in any thing, I am able to performe. It is not now a time of ceremony. And therefore I should hate myself, if I had the least regret in undergoing any duty, whereby I might most express myself,

My Lord,

Your Grace's most faithfull

and obedient Servant,

H. LONDON.

X x 2

*Ano.*



*Another to the same from the same: With a  
List of Bail.*

Tuesday.

My Lord,

**T**HE inclosed is a list of such Lords, as your respective Lordships are advised to write to, that they would be your Bail at *Westminster Hall*, when the time shall come. You may be assured the advice comes from your best friends. I forgot, when I waited upon you yesterday, to mention Sir *John Holt* of *Graves Inn*. Indeed you ought to take him in for many reasons: and I know he has a hearty desire, as well as skill, to serve you. If you have any commands for me, I beseech you send them by the bearer to

My Lord

your Grace's most humble

and obedient Servant,

H. LONDON.

Arch

Archbp. of <i>Cant.</i>	{ E. of <i>Bedford</i> . E. of <i>Danby</i> . Ld. V. <i>Fauconberge</i> .
Bp. of <i>St. Asaph</i> .	{ Ld. M. <i>Halifax</i> . *E. of <i>Ossory</i> . E. of <i>Clarendon</i> . E. of <i>Carbery</i> , *als. Ld. <i>Bullingbrook</i> .
Bp. of <i>Ely</i> .	{ E. of <i>Burlington</i> . E. of <i>Manchester</i> . Ld. <i>Grey</i> .
Bp. of <i>Chichester</i> .	{ E. of <i>Caerlisle</i> . Ld. V. <i>Newport</i> . Ld. <i>Paget</i> , *als Ld. <i>North</i> .
Bp. of <i>Bath and Wells</i> .	{ E. of <i>Clare</i> . E. of <i>Shrewsbury</i> . E. of <i>Dorset</i> , *als. Ld. <i>Crew</i> .
Bp. of <i>Peterburg</i> .	{ E. of <i>Kent</i> . E. of <i>Nottingham</i> . E. of <i>Radnor</i> .
Bp. of <i>Bristol</i> .	{ *E. of <i>Worcester</i> . E. of <i>Devonshire</i> . E. of <i>Scarsdale</i> , *als. Ld. <i>Chandois</i> . Ld. <i>Lumley</i> .

\*[In the Archbishop's hand: the rest in  
the Bp. of *London's*].

*Letter*



*Letter to the Archbishop from the Bishop of  
Norwich: With one enclosed from Sir  
THOMAS CLARGES.*

8 of the Clock.

May it please your Grace,

**W**HEN I returned from your Grace I found  
the enclos'd left at my lodgings by Sir *Tho-*  
*mas Clarges*. I would not have troubled your Grace  
with it but for the last lyne of it.

I do believe your Grace nor my Lords will be  
sent for to *Westminster* to-morrow: not onely upon  
the authority of the enclosed, but from other hands,  
I finde, that its not thought fitt to bring you to  
*Westminster* to-morrow; The reasons I shall respice  
till to-morrow betymes in the morning: in the  
mean time I heartily pray for your Grace his hap-  
pinesse and the rest of my Lords att the Tower,  
and am

Your Grace's most obliged Servant,

to command,

**WILLIAM NORWICH.**

My Lord,

**A**T Mr. *Finch* his Chamber I met my Lord of  
*Nottingham*, whose opinion was, That is is best  
for the Lords to plead the generall issue: Be-  
cause

cause upon a tryall they could say more, and give more in evidence, than could be expressed in a plea. Mr. *Finch* was not thoroughly convinced, but sayd, if the Information were so penn'd that the Petition would be at large included in it, he should think it might be best to plead the generall issue, yet he would conclude nothing thereof, till he should advise with the rest of their Lordship's Counsell. I went from him to Mr. *Grang* the Attorney, and he agreed, That if the matter was fully mention'd in the Information he believed the Counsell must advise to plead the generall issue. It is sayd the Master of the Office will stick the Jury and will name eight and forty, whereof the Attorney for the King would put out 12: and the Attorney for the Lords as many: and, it may be hoped, in so many, there may be a competent number of good men. My Lord of *Nottingham* is gone to the Tower. There will be about *twenty* Peers at *Westminster* to-morrow to serve the Lords, if need be: but I am told by a friend, The King's Attorney will not be ready till Saturday or Monday. I am

Your Lordship's most obedient

June the 14th

1688.

humble Servant,

THO. CLARGES.

[Superscription]

To the most Reverend Father

in God the Lord Bishop

of NORWICH.

Letter



*Letter to Mrs. NALSON from Dr. NALSON.*

**I** MIGHT tell you to excuse my silence that I have been ill, but all private concern and thought of ceremony must give place to that extreme trouble we must needs all of us be in whilst our spiritual fathers are under confinement; a trial of patience so great that 'twere cruelty to expect we should not bemoan ourselves; but if it be a crime to lament (what the higher powers here below command so severely) innumerable are the transgressors; for ever since the black Friday sentence the Nobles of both sexes keep their constant Court at the Tower, where every day vast multitudes of all conditions run perpetually, all in tears, to beg the holy men's blessings: the soldiers wait as mourners, and become so devout, that though the scene be truly sad, the end I hope will be the saving of many, and a most glorious confirmation of the Truth, and the sacredness of our Religion, which seems to be now brought on a publick stage, that all the world may see more clearly her conformity to what the first Confessors embraced and recommended so very tenderly to mankind's care and affection. Thanks be to God, who gives us Pastors that will not (nor, by a criminal silence give others encouragement to) lead us astray. I need not tell you how much this integrity of the Bishops has served to convince their censurers of rash and uncharitable conceits, nor how sensible people grow of the fatal consequences of weakening the established Church by a humourous dread of her severity. I am willing to hope that the storme that's grown so loud, and seems still to denounce terrible things will end in a glorious

calme; it will do so to all that are wise and true of heart. Let's dear friend pray and endeavor to love God more, and with sincere humility set ourselves to the practice of all Christian virtues.

To-morrow its thought our illustrious Confessors will be sent for to *Westminster*; they will not be solitaires there. God Almighty overrule the hearts of the children of men, and, if it be his blessed will, deliver our Saints from all that wish them evil.

June the 14th [1688.]

My service to your good neighbours who I dare say pray for us.

[Superscription]

For Mrs. *Nelson*, at

her House in

*Ely*.

[On the back]

Dr. *Jo. Nalson's*

hand Writing.

*Some Heads to discourse on and consider.*

1. **E**ACH Councell to have *Ten* Guineas sent them to day.

2. Some *one* hand ought to give all fees: because when *two* pay it breeds confusion, and may cause both to pay for the same thing.

3. Those who are to act as Attornies must unite in temper and affection, and go to Councell together, not apart, that both equally knowing the result of advices may follow them accordingly.

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4. That



362 *Heads for the Bishops to discourse on.*

4. That *three* of the Lords may act and direct for all the rest.

5. That the Officers of the Tower be considered as shall be thought fitt.

6. And the Warders who come up to attend your Lordships gratified in like manner.

[The following in the Archbishop's hand.]

7. To correct and supply the Narrative of what past between the King, and the Bishops at the delivery of the Petition.

8. To sett down an exact Narrative of what past in the Council-Chamber, June 8th, between the King, the Lord Chancellor, and the Bishops.

*Letter to the Archbishop from the Bishop of Winchester.*

May it please your Grace,

**T**HIS wayts upon you with a tender of my most humble duty; and though I cannot by this way expresse the deep sence I have of your Grace's and my Brethren's sufferings, yet I beseech you be assur'd, that as I am not wanting in my prayers for you and them, so I shall never sacrifice the honor of our zealously loyall mother the Church to any interest whatsoever. I am

Your Grace's most obedient

*Farnham Castle,  
June 24. 1688.*

Son and humble Servant,

P. WINCHESTER.

N<sup>o</sup>. LII.

*Minutes for his Grace of Canterbury: Prepared  
by Mr. HANSES, to have been spoken at the  
Triall.*

**T**HAT it is a very sensible affliction, both with respect to the Church of *England* and to himself, to appear in a court of justice as a criminal; but as the loyalty of the Church, as well in her principles as constant practices, have been so conspicuous; and his Grace having in the whole course of his life approved himself a true son of that Church, in the point of duty and obedience as in all other particulars, so he doth not doubt so to make his innocence and integrity appear on this occasion, as not only to acquit himself to the Court and to the world from all sedition, malice, faction and libelling, great crimes in themselves, and which he has in the utmost detestation, but effectually to prevent any imputation to the Church of *England* on this occasion.

That it has pleased God to call him to the great dignity, office and authority of an Archbishop in this Church; whereby he has the honour to be *Primus par Angliæ*; and as the charge committed to him is greater, so he thought it more incumbent upon him to take an exact care, to discharge a good conscience in the exercise of that great dignity, and the more carefully to watch over that flock God had committed to him: and this God, this nation, and the world required of him.

That he always esteemed it his duty, as a Prelate, not only to do his utmost endeavour to conserve the



profession of the reformed religion amongst us, but to promote the honour and interest of the Church, and to oppose, as far as lawfully he could, all that tended to her ruine, and struck at her safety (for which glorious ends he was always ready even to lay down his life, if ever it should please God to call him to it.) And as a Peer of the Realm he thought himself likewise under very great obligations, not only not to betray the laws himself, but also to endeavour to transmit them to posterity, that the ages to come might have no reason to curse his memory.

That as all his brethren, the Bishops of this Church, so he more eminently, were counsellors to the King by their office, in matters ecclesiasticall, as the temporall Peers were of his counsell in lay matters, and his judges in matters of law: that the reformed Bishops had always shewed themselves honest counsellors, and faithfull servants to the crown.

That his Majesty having thought fit to publish his Declaration for liberty of Conscience, where at once he had suspended all ecclesiasticall laws whatsoever, it was obvious to observe, how fatall this must needs prove both to the Church and Religion established, and the laws of the land.

But being unwilling to intermeddle, till there was absolute necessity for it, in a matter that might possibly give offence to the King, whose good opinion and favour we are ambitious to preserve, so far as it can be done without a violation of our consciences, or betraying the trust by God and the laws reposed in us: Till the matter was brought home to our own doors, by an order published in the Gazette for the reading of the last Declaration, &c. he was loath to reflect so much upon it, as he has found himself obliged to do since.

Then

Then he apprehended it was high time to consider what would become him to do with regard to God, the King, and his own conscience; and therefore seriously considering the said Declaration, and how far he could comply with the King's command for the reading of it, if it should be legally sent to him, which he apprehends it has not yet been, a publication in a Gazett not being such a due notice as he was obliged to have any regard to: However, having attentively considered it, he soon found how it shook the force of all our laws, and the very foundation of the reformed Church of *England*, and in that the whole Protestant Religion; that it seemed to alter the whole frame of the Government, and introduce a new Constitution; and with respect to ecclesiastical affairs, which was more his concern, he found all the statutes of Provisors, for the maintaining of which our Popish ancestors in all ages had so zealously contended, set aside; all the laws for asserting the rights and libertyes of this Church, and all that supremacy and superiority in matters, and over persons ecclesiasticall, which our Church justly attributes to the King, and which all good Christian Kings have ever exercised, &c. in opposition to the groundless and unjust usurpations of the Pope and Church of *Rome*, suspended, and in effect abolished. That it was apparent, that if the King had that power, which in those declarations he had exercised, the Reformation itself was become arbitrary, and that the Church of *England*, as it was the Religion of the State, had no other subsistence, but by the King's meer favour. Whereas he did humbly hope he might say, it was founded upon a much firmer basis, if all the laws made against Popery, and for the establishment and security of the Protestant Religion, were in being and full force; all which, by virtue of  
of



profession of the reformed religion amongst us, but to promote the honour and interest of the Church, and to oppose, as far as lawfully he could, all that tended to her ruine, and struck at her safety (for which glorious ends he was always ready even to lay down his life, if ever it should please God to call him to it.) And as a Peer of the Realm he thought himself likewise under very great obligations, not only not to betray the laws himself, but also to endeavour to transmit them to posterity, that the ages to come might have no reason to curse his memory.

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of



of this supposed power of the King, were laid asleep and set aside. That for such laws as punished men for the exercise of their Religion, or their dissent from the Church, he was no otherwise concerned, than as they were laws of the land; and as such, he humbly conceives, cannot be suspended by a less authority, than that which first made them, they being only laws of State, and always so considered by him and the Church. [And here may be said what shall be judged convenient about taking off penal laws against Dissenters.]

But that which more nearly touched him, was, that thereby all those laws, by which the Church has its legal establishment, and by which she is fenced and guarded against the sworn enemies of her peace, are vacated and made useles; that all the acts of uniformity, and all the acts for taking the oaths of allegiance and supremacy, and the Tests are suspended and dispensed with; all which laws are so much the fences, the mounds and the bulwarks of the Protestant Religion and the Church of *England*, that no man can concur to the weakning or destroying of them, without betraying at once his religion and the laws of the land.

These were the consequences and effects of that power, and these we were commanded to make ourselves parties to in publishing and teaching them to our people.

That seemed apparently to tend to the introducing of Popery again, and the destruction of the Church of *England* and the Protestant Religion amongst us, which so many of our predecessors had sealed with their blood.

That he could not but think himself under the highest obligations to lay these things to heart, and to bethink himself, how to do his duty on this great occasion,

occasion; that he might neither lie under the imputation of want of zeal for his Religion, or be thought willfully disobedient to the King; for he clearly saw he could not in prudence, honour or conscience obey him.

He called to mind what his predecessors had done on the like occasions. He remembered that Archbishop *Abbot* wrote a very bold and a very honest letter to King *James I.* in the 21st year of his reign, on this very subject of dispensing with the laws in matters of Religion; at which that King took no offence: wherein he told him, that he thought it the duty of his place, to let him know, that the "toleration he [endeavoured] to set up by proclamation could not be done without a Parliament, unless his Majesty would let his subjects see, that he would take unto himself ability to throw down the laws of the land at his pleasure." *Rushworth*, 1 Vol. p. 85.

He remembered what King *James I.* himself, during the treaty of the *Spanish* match, had replied to a demand of the King of *Spain* about a general toleration; "that he, of his own authority, could not grant a general liberty of exercising the *Roman Religion*." *Rushworth*, 1 Vol. pag. 67.

That, in the same King's time, a prohibition to the Judges and Bishops to execute the laws against Papists was laid aside, and this reason given for it by the Lord Keeper *Williams*: "Because to forbid the Judges and Justices of a peace against their oaths was a thing unprecedented in this kingdom." *Rushworth* 1 Vol. fol. 101.

And that, 2 *Charles I.* by the King's command the Earl of *Bristol* was impeached in the Lords house for having but presumed to counsell the King against law, "to grant a free toleration and silencing



eing of all the laws made and standing in force against the Papists." *Rushworth*, pag. 251.

And that in Parliament in 1662 and 1672, and the last Parliament, this power had been questioned and declared illegal, &c.

That thereupon he thought it his duty to attend his Majesty, in hopes, if not to move his Majesty from the main point, yet humbly to lay his reasons before him, why he could not comply with his Majesty, and prevail of him to revoke his command as to the reading of it, &c.

And this being a thing of the greatest importance, he was unwilling to be alone in it; especially considering that it was the common cause of the whole Church, he was willing to have the advice and assistance of all his brethren that were in and near the Town.

That being met, and the whole matter laid before them, and all having an equal zeal for the Protestant Religion, and concern for the laws of the land, and clearly seeing he had not made a false judgment of this matter, and concurring in opinion with him, they all concluded to make an humble address to the King; and having conceived it in the most soft and modest terms that could be, without affixing any thing directly in derogation of the King's power, but laying only before him what had been done and declared before that time, and letting him know with the greatest decency, that in conscience they could not comply with his commands, and humbly begging him to be so gracious, as not to insist upon his command, and hoping that when all his Majesty's subjects had liberty of conscience, those who had most pretence to it should not be the only persons to whom it is denied: And therefore presumed with greater confidence to wait on

on the King; which yet they did not do, till leave had been obtained from the King, and that they were introduced into the King's Closett, where they privately and humbly laid themselves, and their address at his feet.

That this being the fact, and these the inducements; that in all this they having done nothing but what became them both as Prelates and Peers in the discharge of their duties, and that in the most humble and secret way that could be; that it being the right of every subject in *England* to petition, and their Petition being delivered with the King's leave, and the matter of it so modest and inoffensive, and the terms so dutifull and respectfull: He cannot believe he need use many words to persuade men of conscience, integrity, and understanding, how strange a thing it would be to turn such a Petition into a Libell, and the honest discharge of their conscience and duty into an offence.

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N<sup>o</sup>. LIII.

*A Speech prepared by the Bishop of St. Asaph,  
to have been spoken at \* our Trial.*

My Lords, and you Gentlemen of the Jury;

**W**E are here before you under a load of accusation, such as was never laid before upon so many of our order (I think) in this, or any other kingdom. It is a load, that we should sink under, considering from whence it cometh, if we were not

\* [The whole in Archbishop Sancroft's hand.]



supported with (give me leave to say) a good conscience, and the testimony of Him that is greater than our conscience, and knoweth all things. Without this it would overwhelm us to think, that our gracious Prince, of whose favour and bounty we have had so much and so long experience; that he should at last look upon us, as so undutifull, so ungratefull, as we are set forth in this Information; nay, as we must acknowledge ourselves to be, if we had given any colour to this Information: we had been monsters indeed, if we had given any just grounds for it. We to conspire against the King? — to undermine his Government by making and publishing seditious Libels? What strange kind of men would they make of us! We, that not only by past obligations, but by our present interests, and all our hopes of this life and the future, have not only the strongest, but all possible motives to hold us to obedience and loyalty? In a word, we, whose holy Religion teaches us, under pain of damnation, not to rebel against our King, though he be of another religion; nay though he should be an enemy to our religion? This is the Christian doctrine, which we profess, and which we constantly teach; in which we have always lived, and by the grace of God we will dye. Let them say so, if they can, who put you and us to all this trouble, by perswading his Majesty otherwise of us.

God be thanked, we have so behaved ourselves not only in former reigns, but even in the reign of his present Majesty (whom God long preserve) that they cannot charge us justly with any thing; and least of all with this crime of Sedition. They can pretend no other colour for this charge, but what they draw out of a Petition, that we lately presented to his Majesty. But what is there so criminal in this?

this? For our parts we do not see it: We do not see, that we have transgress'd the bounds of our duty. They cannot say, we did so much as petition, till we were forced to it. We knew of his Majesty's Declaration a twelve month before. We saw, it assumed such a power as we did not understand. We saw, it contain'd a Toleration that we could not approve; that actually took away all the legal establishment of our Church, and tended, as far as we could judge, to the bringing in of Popery. This we saw with sad hearts: yet all that twelve-month we were silent; we laid our hands on our mouths; which perhaps was a fault in us, but surely deserv'd another name than Sedition. But at last, after a full twelvemonth, when this Declaration came forth with an order annext, that we must be parties to it; we were at least to be the instruments for the publishing of it: Nay we must bring in this, as a Parenthesis, into the worship of God: This was enough to make the dumb to speak: They would have spoke, they would have roar'd at it in any Church of the *Roman* Communion: They may excuse us, if we could hold silence no longer.

But yet we did not break it neither seditiously; but on the contrary with all the duty in the world. The Archbishop of *Canterbury*, who by his place is Counsellor to his Majesty, and who ought to be advis'd with in all things belonging to the Church, was so far from being advis'd with in this, that he knew nothing of it, till he saw it in the Gazette. When he saw this strange thing there, he was at the present surprized with it: He saw, what the consequence of it would be; He saw, he must do something to prevent such things as have since happened, or worse: But yet he would do nothing



without the advice of his Suffragans. He therefore sent for as many, as were within call; and with their advice, he resolved to petition his Majesty.

The effect of our Petition was, as you have heard, to beseech his Majesty, that he would not impose this hardship upon us; that he would not lay this burthen on our consciences; that he would give us leave to worship God in quiet, and to enjoy that liberty, which the law had given us, and which he was giving to the rest of his people. We do not see, that the matter of our Petition was seditious. But for that it hath been sufficiently cleared by our councill.

And for the manner of presenting our Petition; this was surely so far from being seditious, that it was with the greatest humility, and submission in the world. Before we came to his Majesty, we acquainted his Principal Secretary of State, the Lord President of the Council; who, if he were present, we presume, would witness for us, that we did what we thought would have secured us from ever having this charge brought in against us. We offer'd, and desir'd, that he himself would receive our Petition, and shew it his Majesty, before we appeared to deliver it: or at least, that he would be informed of the contents, to the end, that it might be no surprize to his Majesty. I spoke these words, as the Bishop of *Cbichester* knows; for he was present there with me. This, we thought, was the dutifullest way we could take to present our Petition. If we had known any way more dutifull, we would have taken that; but we knew of no better. And when this was refused by his Majesty's Secretary, what could we do more? We must follow him, the way he would go. He went and acquainted his Majesty; he brought us word, that  
we

we had leave to present our Petition. We did present it to his Majesty alone in his Closet. If there was any fault in our Petition, his Majesty might have cover'd it; he might have suppress'd our Petition: and if it had pleased his Majesty to have done so; if he had but declar'd, that such was his pleasure, there had been no copie of it now remaining in the world.

This is a short account of that seditious libel, as they call it, and of our seditious publishing of it in the presence of his Majesty. We know, his Majesty can do no wrong: But they may, that act for him; and do it, in thus charging us and our Petition. It is easy to give evill words, and hard names to the most innocent persons, and to the best things in the world: But we trust, you have the prudence to distinguish; and in that trust we leave our cause in your hands.

Only this we have to say farther; and we have heard our Councell say it, who are better able to judge: They say, this is the greatest cause that ever came to this barr. It is not the proper concern of 6. or 7 Bishops: What are they to the great consequence of this cause? The consequence of it extends to the whole Church and Kingdom; it extends to the Protestant Religion, and all the laws of *England*: The happiness of this and future ages depend upon it. Surely, if ever there was any cause, that requir'd mature deliberation, there ought to be the greatest deliberation in the judging of this. We beseech you therefore not to look at all upon us, but upon our cause. And we beseech God to bless his sacred Majesty, and to incline his roial heart towards us. We beseech God to forgive them, that have sett him against us. We beseech God to direct, and govern your counsells; that  
what-



whatsoever becomes of us, the glory of God may be promoted, and that you yourselves may rejoice, and the whole Nation may bless God with you, for your wise and righteous verdict.

### N<sup>o</sup>. LIV.

#### *Letter to the Archbishop from Mr. INCE.*

May it please your Grace,

**W**E have watched the Jury all night carefully, attending without the doore on the staire head.

They have by order been kept all night without fire or candle, bread, drink, tobacco, or any other refreshment whatever, save onely some basons of water and towells this morning about 4.

The officers, and our own servants, and others hired by us to watch the officers, have and shall constantly attend, but must be supplied with fresh men to relieve our guards, if need be.

I am inform'd by my servant and Mr. Grange's, that about midnight they were very loude one among another; and the like happened about 3 this morning: which makes me collect they are not yet agreed: they begg for a candle to light their pipes, but are denied.

In case a verdict passe for us (which God grant in his own best time) the present consideration will be how the Jury shall be treated.

The

The course is usually each man so many Guineys, and a common dinner for them all.

The Quantum is at your Grace's and my Lords direction.

But it seems to my poor understanding, that the dinner might be spared, least our watchfull enemies interpret our entertainment of the Jury for a publick exultation and a seditious meeting: and so it may be ordered thus:

Each man - - - - - Guineys for his trouble.

And each man a Guiney over for his own desire: With my Lords order, that I or some other intreat them, in your names, not to dine together for the reasons aforesaid.

I conceive my Lords the Bishops will resolve how to direct me in this point, before they come into Court.

There were 22 of the Jury appear'd and no more.

And they that did not serve will expect a reward as well as those who did.

I beg your Grace's pardon for this trouble: 'Tis only to enable my Lords to consult what is fitt to doe decently on our part, and all is entirely submitted to your Grace's and my Lords judgment by

My Lord

Your Grace's most humble Servant,

6 o' Clock in the  
Morning 30 Jun. 88.  
at the *Bell* Taverne,  
*Kingstreet*.

JO. INCE.

Just now the officer brings me word, they are all agreed, and are sending to my Lord Chiefe Justice to know, where he pleases to take their verdict.

There must be 150 or 200 Guineys provided.

N<sup>o</sup> LV.



## N°. LV.

*An Account of the Proceedings at Westminster Hall on the 29th and 30th of June 1688; relating to the Tryal and Discharge of the Archbishop of Canterbury, the Bishop of St. Asaph, Bishop of Chichester, Bishop of Ely, Bishop of Bath and Wells, Bishop of Peterborough, and the Bishop of Bristol.*

THE indictment, when read, was very much excepted against, on the account of its form, in that it did not mention all the Petition they were indicted for; there was not either the title of it expressing to whom it was directed (viz. "To the King's most excellent Majesty," was omitted,) and the Prayer afterwards ("We therefore pray," &c.) was not there; which, being closely pursued by the Bishops Council, seem'd to invalidate the whole business. Then it was not and could not be proved by the King's Council, that the Bishops presented the Petition to the King. They had in the Court the original, and subpoena'd some of the Archbishop's and Bishops Chaplains, Servants, and others, to prove their hands, which was not done very clearly upon most of them; all the proof the King's Council had for the presenting the Petition to his Majesty did not directly prove it upon them: The most it amounted to was, either that the King told them, he had it from the Bishops; or, that my Lord Chancellor did ask them, if it were theirs (when

(when they were summon'd before the King and Council,) and that they then express'd an averfeness to own it; saying before the King, that if his Majesty did insist on it, and that it should not be improved to their disadvantage, or produced in evidence against them, that they would be plain, and leave it to his Majesty. Upon this the Bishops Council had some reflections which my Lord Chief Justice told them he must not hear. But this did not amount to a full proof of the point.

Then the Bishops Council did greatly insist upon the Indictment being laid in a wrong County; for it was proved upon oath, that the Archbishop was not out of his House for a very considerable time before he was summon'd to the King in Council. Now what was alledged against them was done at *Lambeth*, and therefore in *Surrey* the Indictment ought to have been laid, which seem'd much to affect them.

After this, the Bishops Council objected against the term *publishing*; whereas what was said to be done by them, was in the privatest way that could be, and given only to the King; which caused a long debate between both parties, of things requisite to denominate a *publication*:

And here things were going to a conclusion, and the Judge was entered upon summing up the evidence; but Mr. *Finch* (one of the Bishops Council) interrupted my Lord Chief Justice, saying, there was one material evidence remaining. Whereupon my Lord desisted, though with some seeming dissatisfaction to the rest of the Bishops Council: For the Judge was going on very favourably for the Bishops cause: some of the Bishops importun'd my Lord Chief Justice to proceed, but he would not: And so it brought on more discourse about the for-



mer subjects, and occasion'd the sending for my Lord President, who came into Court after it had staid an hour for him: The evidence, that he gave upon oath, could not fully prove the delivery of the Petition to the King by the Bishops. When before, for the proof of this, the Solicitor did very greatly importune some witness for the King, (that had upon oath deliver'd, what they knew about this matter, which was as aforesaid) by putting to them very intricate questions; my Lord Chief Justice reproved him, laying, it was not to be suffer'd; adding, that if he went on thus, he would let the Bishops Council loose on him.

After these things, my Lord Chief Justice ask'd the Bishops Council, what else they had to plead; whereupon they proceeded to that part of the Indictment that call'd the Bishops Petition *a scandalous seditious Libel*, &c. which occasion'd very great, solemn and most pleasing debates: For, hereupon they enter'd into and discuss'd the lawfulness of the Declaration and the Dispensing Power, which were harangued by every one of the Bishops Council in most brisk, home and admirable speeches, for the space of three hours, shewing the Declaration to be against and contrary to law, which no Power could dispense with or abrogate, but that which made it, (viz. a Parliament) and that the Ecclesiastical laws had the same foundation as the Civil, and could be therefore no more dispens'd with. That the Declaration did evacuate the laws for Sabbath-breaking, Fornication, &c. and let loose the reins to the most extravagant sects and licentious practices; and that all laws might be dispens'd with, as well as some: That the Bishops were sworn to maintain the Ecclesiastical laws; and in representing the case thus to his Majesty, they had done as the Law directed them,

them, and according to *Prudence, Honour, and Conscience*. There were hereupon publickly read several Acts of Parliament, Records of the Tower, and Parliament Records; among which, one Act of Parliament was observable; that gave the King power to dispense with a Law for a stated time: so that what Dispensing Power he ever had, was both given and bounded by Parliament. From what they produced out of the Parliament Records and otherwise, they greatly confirm'd what was said in the Petition, of the Dispensing Power having been often declared illegal in Parliament, and particularly in the years 62 and 72; and in the beginning of his Majesty's reign, which was in 85, when the Parliament declared the Popish Officers could not be dispens'd with, but that it was contrary to Law to do so, though they were willing by Act of Parliament to indemnifie such as his Majesty should nominate, &c. And they shew'd how the like Dispensing Power upon the same occasion was accounted illegal in 62 and 72, both by Parliament and the King himself, who suffer'd the Seal to be tore off, and gave the testimony of his disowning such a Dispensing Power. To which the Solicitor's chief answer was, that the King then lack'd money, and that such Acts as aforesaid (whatever they might say) did confirm, not give the King's Dispensing Power. In short, the Bishops Council behav'd themselves in this weighty matter with a great deal of gallantry and plainness, no wise inferior to most men's expectations and desires.

The chief of the managers for the King was the Solicitor *William Williams*, who, as was apprehended, did no great wonders for invalidating the foregoing arguments: He was very hot and earnest (if not passionate) in proving it a Libel; saying, it



would be so, though it were done by them to redress a certain grievance: Whereupon, my Lord Chief Justice asking what course then they should take, or what they should do in such circumstances; he answered *Acquiesce*: (which occasion'd a very great hiss over the Court:) He added farther, to prove it libellous, the insinuating expressions of gaining the populace, by saying, "It was not for want of due tenderness to Dissenters, in relation to whom, we are willing to come to such a temper, as shall be thought fit, when that matter shall be consider'd and settled in Parliament and Convocation." In Convocation, said he, what's the meaning of that? But here my Lord Chief Justice gave him a check, and restrain'd what he seem'd greatly disposed to vent against it. There was not very much said by the rest of the King's Council, at least, nothing more considerable than his. The King's Attorney General was pretty moderate.

Sir *Bartholomew Shores* spoke a little, but was presently silenced; (in the vacancy of stay for my Lord President, my Lord Chief Justice said to Sir *Barth. Shores*, Now Sir *Bartholomew*, we have time to hear your speeches.)

Serjeant *Baldock's* argument against the Bishops was chiefly upon their refusing, the King requiring such a slender matter, so easily to be done; for they were not enjoyn'd to read, but only to send about and disperse it: Yet this they would not do. It concluded with the King's Council.

Then my Lord Chief Justice summing up the business, was favourable to the Bishops in the former part of the tryal, and could not say the matter of fact was fully proved upon them, but was inclined to make the Petition a Libel; because of its accusing the King of flaws in Government.  
He

He said but little to oppose what had been brought by the Bishops Council against the Declaration and Dispensing Power.

After him spoke Judge *Holloway*, and very much in the Bishops behalf, giving it as his judgment, that it could not be a Libel, being done from a conviction of conscience by such persons in such an humble modest manner.

Then Judge *Powel* spoke to the same effect, giving it as his opinion, that it could not be a Libel, being the only way to redress themselves. He had also some smart expressions to confirm what the Bishops Council had urged against the Declaration and dispensing Power: so that Judge *Powel* gave his opinion also in favour of the Bishops.

Then Judge *Allibon* standing up, professed he would not meddle with the Dispensing Power (tho' it had been so much canvass'd against) but would only speak to the business of the Paper being a Libel; and he did accordingly, urging it to be so, not barely because it was a Petition: for, said he, any one under grievance may petition his Majesty, but not about affairs of Government, for that would tend to very bad consequences, and promote discontents or worse in the Nation. Nor (as he added) can the pretended fairness, as to the manner of it, be an excuse; for the more it hath that way, so much the worse; and so concluded it in his sense a Libel. But urging a Precedent to confirm what he had said, he was partly mistaken in it, as Judge *Powell* and the Bishops Council shewed him.

Then the Court broke up, the Jury went together, and the Bishops with all the privacy they could, to their respective abodes; but wherever the people met with them, they huzza'd and humm'd them in great abundance. There was a prodigious  
full



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full Court and Hall, a very great many of the Peers and Nobility present; and also the Bishop of *Chester*, of whom they took no kind of notice: The Bishop of *Rockester* did not meet with much better regard.

The Jury sat up all night, though they were very soon unanimous in their verdict, which they prudently resolved to give in open Court; and accordingly next day about nine or ten they brought them in

*Not Guilty.*

#### The Names of the Lord Bishops COUNSELLORS.

Sir <i>Francis Pemberton.</i>	Mr. <i>Pollixfin.</i>
Sir <i>Creswell Levins.</i>	Mr. <i>Treby.</i>
Sir <i>Robert Sawyer.</i>	Mr. <i>Summers.</i>
Mr. <i>Finch.</i>	

#### The Names of the JURY sworn.

Sir <i>Roger Langly of West-</i>	<i>William Avery of Enfield,</i>
<i>minster.</i>	<i>Esq.</i>
Sir <i>William Hill of Ted-</i>	<i>Thomas Austin of South</i>
<i>ington.</i>	<i>Mims, Esq.</i>
<i>Robert Jennings of Hayes,</i>	<i>Nicolas Grice of Neston,</i>
<i>Esq.</i>	<i>Esq.</i>
<i>Thomas Harriot of Isling-</i>	<i>Michael Arnold of West-</i>
<i>ton, Esq.</i>	<i>minster, Esq.</i>
<i>Jeoffrey Nightingale of St.</i>	<i>Thomas Done of St. Giles</i>
<i>Giles, Cripplegate, Esq.</i>	<i>in the Fields, Esq.</i>
<i>William Withers of the</i>	<i>Richard Shoreditch of Ick-</i>
<i>fame, Esq.</i>	<i>enham Esq.</i>

Nº. LVI.

*Letter to the Archbishop from the Bishop of  
Norwich.*

Nor. 2d July: 88.

May it please your Grace

**T**O give me leave, among the thousands in these parts, heartily to congratulate with you, and your late companions in trouble, for the most joyfull and most acceptable news we had this day by the post; namely, your acquittal from the crime endeavoured to be fixed upon you. I doe assure your Grace it hath mightily revived our drooping spirits; and I beseech God to make us all truly sensible of and sincerely thankfull for so great a mercy. I know your Grace hath now work enough upon your hands; and therefore it would be the greatest impertinency to interrupt you in those great affayrs: Wherefore I heartily blesse God for your safety, and thereby for his great and singular mercyes vouchsafed to his Church, and am as in duty bound

Your Grace's most obedient Servant

to command,

[Supercription.]  
For my Lord's Grace  
of *Canterbury*  
this present.

WILLIAM NORWICH.

Nº LVII.



Nº. LVII.

*Letter to the Archbishop from Sir George Mackenzie.*

May it please your Grace,

**I**T will doubtlesse be strange news to heare that the Bishops of *England* are in great veneration amongst the Presbiterians of *Scotland*, and I am glad that reason has retain'd so much of its old empire amongst men. But I hope it will be no news to your Grace to hear, that no man was more concern'd in the safetie of your consciences and persons than

May it please your Grace

Your Grace's most humble Servant,

GEO. MACKENSIE.

The bearers will give you a just account of our affairs.

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Nº LVIII.

*Memorand. and Directions, &c.*

1. **H**EADS for Instructions.
2. **H**An Answer to the 4 Bishops Letter.
3. Establish a Correspondence.
4. A History of the Persecution.

5. How

5. How to demean ourselves in case of a *Popish* Visitation.

The way of writing to the Archbishop is for every man to write to a private friend, and for him to deliver the letter to my Lord Archbishop.

St. *Asaph* to the Lady *Salisbury* at *Lleweny*.

*Elie* to Mrs. *Nelson* at *Ely*.

— to Madam *Womock* at *Elie* — in a Woman's hand — with a Whimwham.

*Chichester* — Mr. *Lever*, or Mrs. *Elizab. Row* at *Chichester*.

*Bath* and *Wells* — Mr. *Salmon Mercer* in *Wells*.

*Peterburgh* — Mrs. *Clarke* at *Dosthorpe*, near *Peterburgh*.

*Bristol* — Mr. *George Hart*, Merchant in *Bristol* — or Mr. *John Canne*, Merchant there.

*Gloucester* — Mr. *Sam. Eckley*, Apoth.

An answer to be made to the Pastoral Letter.

Every man to advise with the Chancellor and Common Lawyers what method to be used to obviate the Invasion of our Jurisdiction by the 4 Vicars Apostolical, and returne it to my Lord Archbishop on Saturday next.

This is referred to the Bishops of *London* and *Peterburgh*.

To prepare materials for a History of the Persecution; by consulting the Registryes and causing cotypes to be made of them.

Mr. *Pulford*, Minister of *Layton Buzzard*, to be remembred for his extraordinary pains in his Living.



## N° LIX.

*The Articles recommended by the Archbishop of Canterbury to all the Bishops within his Metropolitan Jurisdiction, the 16th July, 1688.*

Sir,

**Y**ESTERDAY the Archbishop of Canterbury delivered the Articles which I send you inclosed, to those Bishops who are present in this place; and ordered Copies of them to be likewise sent in his Name to the absent Bishops. By the contents of them, you will see that the Storm in which he is, does not frighten him from doing his duty; but rather awakens him to do it with so much the more vigour: and indeed, the Zeal that he expresses in these Articles, both against the Corruptions of the Church of Rome on the one hand, and the unhappy differences that are among Protestants on the other, are such Apostolical Things, that all good men rejoice to see so great a Prelate at the Head of our Church, who in this critical time has had the Courage to do his Duty in so signal a manner. I am,

Sir,

*Yours.*

London, July 27. 1688.

Some

*Some Heads of things to be more fully insisted upon by the Bishops in their Addresses to the Clergy and People of their respective Diocesses.*

I. **T**HAT the Clergy often read over the *Forms* of their *Ordination*; and seriously consider, what solemn Vows and Professions they made therein to God and his Church, together with the several *Oaths* and *Subscriptions* they have taken and made upon divers Occasions.

II. That in compliance with those and other *Obligations*, they be active and zealous in all the Parts and Instances of their *Duty*, and especially strict and exact in all holy *Conversation*, that so they may become Examples to the Flock.

III. To this end, that they be constantly *Resident* upon their *Cures* in their Incumbent Houses; and keep sober Hospitality there according to their Ability.

IV. That they diligently *Catechise* the Children and Youth of their *Parishes* (as the *Rubrick* of the *Common Prayer-Book*, and the 59th *Canon* injoin) and so prepare them to be brought in due time to *Confirmation*, when there shall be Opportunity: and that they also at the same time expound the Grounds of *Religion* and the *Common Christianity*, in the Method of the *Catechism*, for the Instruction and Benefit of the whole Parish, teaching them what they are to believe, and what to do, and what to pray for; and particularly often and earnestly inculcating upon them the Importance and Obligation of their *Baptismal Vows*.



V. That they perform the daily *Office* publickly (with all Decency, Affection, and Gravity) in all *Market* and other great *Towns*, and even in *Villages*, and less populous *Places*, bring People to *Publick Prayers* as frequently as may be; especially on such Days and at such Times as the *Rubrick* and *Canons* appoint; on *Holy Days*, and their *Eves*, on *Ember* and *Rogation Days*, on *Wednesdays* and *Fridays* in each Week, especially in *Advent* and *Lent*.

VI. That they use their utmost Endeavour, both in their *Sermons*, and by *private Applications*, to prevail with such of their Flock as are of competent Age, to receive frequently the *Holy Communion*: and to this end, that they administer it in the greater *Towns* once in every Month, and even in the lesser too, if *Communicants* may be procured, or however as often as they may: and that they take all due Care, both by *Preaching* and otherwise, to prepare all for the worthy receiving of it.

VII. That in their *Sermons* they teach and inform their people (four times a year at the least, as the first *Canon* requires) that all *Usurp'd* and *Foreign Jurisdiction* is for most just Causes taken away and abolished in this *Realm*, and no manner of Obedience or Subjection due to the same, or to any that pretend to act by virtue of it: but that the King's Power being in his Dominions highest under God, they upon all occasions persuade the People to *Loyalty* and *Obedience* to his *Majesty* in all things *Lawful*, and to patient submission in the rest; promoting (as far as in them lies) the publick Peace and Quiet of the World.

VIII. That they maintain fair Correspondence (full of the kindest Respects of all sorts) with the *Gentry* and *Persons* of *Quality* in their Neighbourhood, as being sensible what seasonable Assistance  
and

and Countenance this poor *Church* hath received from them in her Necessities.

IX. That they often exhort all those of our Communion, to continue stedfast to the end in their most Holy Faith, and constant to their Profession; and to that end, to take heed of all Seducers, and especially of *Popish Emissaries*, who are now in great Numbers gone forth amongst them, and more busie and active than ever. And that they take all occasions to convince our own, that 'tis not enough for them to be Members of an *Excellent Church*, rightly and duly reformed, both in Faith and Worship, unless they do also reform and amend their own lives, and so order their Conversation in all things as becomes the Gospel of CHRIST.

X. And forasmuch as those *Romish Emissaries*, like the old Serpent, *insidiantur Calcaneo*, are wont to be most busie and troublesome to our People at the end of their lives, labouring to unsettle and perplex them in time of Sicknes, and at the hour of Death; that therefore all who have the Cure of Souls, be more especially vigilant over them at that dangerous season; that they stay not till they be sent for, but enquire out the sick in their respective Parishes, and visit them frequently: that they examine them particularly concerning the state of their Souls, and instruct them in their Duties, and settle them in their Doubts, and comfort them in their Sorrows and Sufferings, and pray often with them and for them; and by all the methods which our Church prescribes, prepare them for the due and worthy receiving of the Holy *Eucharist*, the pledge of their happy Resurrection: thus with their utmost Diligence watching over every Sheep within their Fold (especially in that critical moment) lest those *Evening Wolves* devour them.

XI. That



XI. That they also walk in Wisdom towards those that are not of our Communion: and if there be in their *Parishes* any such, that they neglect not frequently to confer with them in the Spirit of Meekness, seeking by all good ways and means to gain and win them over to our Communion: More especially that they have a very tender Regard to our *Brethren the Protestant Dissenters*; that upon occasion offered, they visit them at their houses, and receive them kindly at their own, and treat them fairly wherever they meet them, discoursing calmly and civilly with them; perswading them (if it may be) to a full Compliance with our *Church*, or at least, that "where-to we have already attained, we may all walk by the same Rule, and mind the same thing." And in order hereunto that they take all opportunities of assuring and convincing them, that the *Bishops* of this Church are really and sincerely irreconcilable Enemies to the Errors, Superstitions, Idolatries and Tyrannies of the Church of *Rome*; and that the very unkind Jealousies, which some have had of us to the contrary, were altogether groundless.

And in the last place, that they warmly and most affectionately exhort them, to join with us in daily fervent Prayer to the God of Peace, for an universal blessed *Union* of all *Reformed Churches*, both at *home* and *abroad*, against our common Enemies; that all they who do confess the holy Name of our dear Lord, and do agree in the Truth of his holy word, may also meet in one holy Communion, and live in perfect Unity and godly Love.

N<sup>o</sup>. LX.*Instructions to the Judges Itinerant,  
in Summer, 1688.*

**T**HE Judges of Assizes of the Circuits, both in *England* and *Wales*, are severally and respectively required by his Majesty to take all occasions; both in their publick and private Discourses, but more especially in their respective Charges, by all the pressing arguments that may be to persuade and require, That all his Majesty's subjects of what degree, quality or condition soever (especially such as would be esteemed truly loyall and well affected to the Government) should give their utmost assistance for the supporting of his Majesty's late gracious Declaration for Liberty of Conscience.

And to let them know, that his Majesty intends very speedily to call a Parliament, and to use his utmost endeavours that the same may be past into a Law; that all his subjects may have that ease and safety, and consequently that plenty, which they now enjoy, continued to them and their posterities.

The advancement of Land, improvement of the Trade and Manufactures so greatly to the advantage of this Kingdom, which are his Majesty's chiefest arms, being so visibly concerned herein; his Majesty cannot doubt but such as desire the common good of this Nation will give their utmost assistance to promote these great ends.

You are to assure such as are of the Church of *England*, as well as others of his subjects, that his Majesty will maintain all his gracious promises in the said Declaration.

You



You are to encourage all people, of what persuasion soever, to live friendly together, as becomes good Christians and good subjects, and to dispose them to unite their endeavours to render effectual his Majesty's gracious intentions for the common good and advantage of all.

You are to remove, as much as may be, all fears and jealousies that are endeavoured to be insinuated by persons ill-affected to the Government, by representing, that the experience they have now had for *three* years of the King's Government sufficiently shews and ought to satisfy them, how gracious a Prince he is, who only designs the universal happiness of his people, that Trade may flourish and increase, and the honour and reputation of the Nation carryed to a greater height than ever.

And you are in order hereunto: To contradict the idle and false reports that are industriously spread to distract mens minds, and to disturb the publick peace, as well as the common profit of the Kingdom.

You are to take all proper opportunities to inform such you converse with, That the Liberty of Conscience, his Majesty hath been pleased to grant, has already most apparently increased our Trade at home, and that the free exercise of Religion has been the chief and principal visible cause of the great riches that some of our nearest neighbours abroad at this day enjoy, and would be a certain means to make these Kingdoms populous, and by consequence to be the chiefest place of Trade in the Christian world, which occasions so many malicious attempts to prevent it.

You are to let all persons know, within your several districts: That his Majesty is unalterably resolved to place trust and confidence in, and to reward all

all such of his subjects as shall zealously assist in his present measures, and to look upon all that shall oppose him herein as contemners of his royal will and pleasure, and enemies to the common good of his Kingdom.

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N<sup>o</sup> LXI.

*Justice ALLIBON's Charge at the Assizes at Croydon.*

**G**ENTLEMEN of the Jury; It is a duty incumbent upon me upon this occasion, and at this time to say something in order to your direction: And I am well satisfied with you, for I presume you are all Gentlemen of worth, ability, loyalty and fidelity. Therefore Gent. I will not tell you whatever you enjoy is from the good effects of Government, and you may now keep up the good Government of this County; for you are now to enquire into all misdemeanors heretofore, and past, that offenders may be met with, and justice done to all. I'll only give you this to observe, That in Bills, &c. that come before you your enquiry is not final, because the parties concern'd have liberty to make their defence afterwards when they are brought upon their Petty-Jury, where they see their accusers face to face: And then on the other side, if you find that any thing proceeds from envy, and malice, and not of due prosecution, then you may acquitt the person that is so wrongfully prosecuted, and so justice is done betwixt party and party; so an Ignoramus Jury may not be of use.

Gent. it is the desire of the King, that we may keep



in love, and unity, and not to be devouring and harassing one another. We have lived in an age where there is great debates and harassing about Religion; I say, that we have been under great Disputations about Religion; and it is no wonder; for there is in Religion as much variety as in mens countenances; and now then you will not think it strange, because that you and I are not of the same Religion, that we should be freed from disturbing and harassing one another. Gent. be not mistaken, nor let no false rumour be spread in any place, that I am for taking off the penal Laws, and Tests, but so as in their places to have good Laws for your security. Gent. the King himself desires you to make such Laws as you will, onely do it so as not to hang one another about Religion; let no one be prosecuted for Religion. If any one distributes such doctrine, he is a man that doth not know the King's intention, but calumniates him in the - - - - -. The King is willing that every one may be as free in his conscience as in his thoughts: pray Gent. consider what a blessing this is, what a publick interest and good 'tis of.

First consider, the flourishing of our Neighbours: Gent. they have great Trade, and Traffick, and gather riches: they have the protection of the Government, and they are true and firm to that Government they have their protection under. In a Christian Kingdom 'tis not any one's interest to prosecute one another; then it is not his Majesty's desire. Then Gent. if we will act like free-born *Englishmen*, no Government ought to be so horrible, and cruel as to prosecute one another for Religion. Gent. I'll urge it very little more with this instance: Remember to do as you would be done by: This Gent. mankind and humane nature tendeth to: but then

then if we come so farr as to profess ourselves to be Christians, then let us consider what our great Law-giver, our blessed LORD and SAVIOUR JESUS CHRIST said, "Learn of me, for I am meek and lowly:" Tenderneſs has no ſhare of perſecution: Remember, I ſay, the true mark of Chriſtianity is humility and mildneſs. Let me aſk you from whence they have ſuch a ſpirit or what will be the conſequence of it to poſterity; what can be the meaning that any man ſhall be in love with ſanguinary, and bloody Laws? I cannot conceive that any man that rightly laies his hand on his heart, I ſay, I cannot conceive he can give any reaſon. Gent. no man that is a well grounded Chriſtian can be for the Laws of perſecuting one another: I muſt confeſs that no man can get the reputation of a good Chriſtian by putting ſanguinary Laws in execution. So Gent. tho' thoſe ſanguinary Laws were enacted, and but ſome years ſince, they never had a general approbation, nor no man of the Church of *England* for putting them in execution.

Now Gent. as concerning the *Teſt*; if you conſider that you will eaſily part with it. How many Gent. of great worth to merit ſomething of their fortune from the Crown by their own induſtry, and are hindred becauſe they cannot believe this, or that; there are 1000 men brought up that cannot agree concerning *Transubſtantiation*, what it is, or not, and concerning the *Sacrament* of the LORD's *Supper*; and becauſe of this muſt they be hindred? Why then becauſe I cannot take the *Teſt*, muſt I be hindred of an employment in the world? This Gent. pincheth ſore with them in liberal education. It is ſaid, "Upon this Rock will I build my Church:" Was this meant of the Church of *England*? it was but of yeſterday's ſtanding: ſo Gent. tis but a flouriſh.



Gent. the end of the Test is not Religion, but Preferment: if any one therefore should be hindred upon just pretences for Religion, then Religion is not at the bottom of it. This Gent. is a matter of great importance. It is in the Catechisme that *Christ* is really in the LORD's Supper; nor hath it been objected against the Church of *Rome* by the Church of *England*, that he was not really, but by way of presentation, and that is a great reproach; CHRIST himself told us he was there: now be you not more strict than CHRIST himself. I am not arguing what my sense is, but I am onely shewing that as the Church of *England* would impose, that CHRIST was by way of presentation, is it not equally difficult, that we shall believe thus and thus? Is not the like liberty to be had and taken of one side, as well as the other? Gent. I only argue this for the incoherence of the thing.

Gent. there is another thing to be observ'd: our lawful Superiors must be obeyed in all their lawful commands: This the Church of *England*-men have made their business to preach up. The King is to be obeyed in every thing, if it be not against God's command. The *Test* is not commanded by the Word of God, and the taking away not prohibited. Gent. I hope your solid judgments, and great prudence will supply you with better arguments, and discourses than I shall give you; And whoever is not for love and meekness, never let him challenge to himself to be a good subject, that is not for the taking off the Penal Laws and *Test*.

Gent. I have one thing more to committ to your consideration about the late Transaction of the Bishops, that were tried lately at the King's Bench: I would not have the world mistaken: It was not for their Religion they were tried: they were tried for acting

acting against the Government; for publishing a Libell that tended to Sedition: The King commands them with the advice of his Council for to publish his Declaration; they would not do it. If the King had been *Turk* or *Jew*, it had been all one; for the subject ought to obey. Gent. it may be the method of their proceeding may stick with persons: Some will say, May not a subject petition? Now Gent. it is not the name of a Petition can justify an unlawfull act; nay Gent. it may be the worse and deserve a greater reproof. I do believe of all subjects that have lived under the face of the Sun none have the like liberty, as we have under our King; for I may be bold to say, that any one may come to the speech of his Majesty, or to petition him; but then Gent. consider what a Petition it is, and for what it is; about what the King doth in his Government? Any man may petition in his private affairs to his Majesty; but what have we to do to petition about Government? for that which is so, 'tis a Libel, and of bad consequence: so I shall say no more; I hope you are dutifull subjects, and Gent. of great prudence and worth, and have had no ill principles distilled into you, and so the LORD direct you.

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## N° LXII.

*Mr. Maurice's Draught of an Answer to the  
four Titular Bishops.*

**I.** FORASMUCH as it is the duty of a Watchman, as soon as the enemy begins to appear, to give notice, and alarm those, whose safety is committed



mitted to his charge: I cannot but hold myself indispensibly obliged (considering the station in which it hath pleased God to place me in this Church, and the circumstances of the present time) to give warning to all those, who belong to my care, That “many Deceivers are gone forth amongst them;” and are no longer content, as heretofore, to “creep secretly into houses, and to lead captive silly people, laden with sins,” and by the corruptness of their minds, or the wickedness of their lives fitted, and prepared for such seduction: But begin now to take the confidence of publickly owning themselves, and their ungodly designs in the face of the world, and to the amazement of this whole Nation. It is time for every true Shepherd, when he sees the wolves breaking in upon the flock, to be ready, after the example of our great Pastor, to oppose, and withstand them, and even to lay down his life for the Sheep. He is but a Hireling, and betrays himself to be such, who has so little concern for his Flock, that he flies from danger, when it comes, and prefers even life itself to their safety and preservation.

II. Among these Deceivers there are *Four* persons, exceeding all the rest in confidence, who assume to themselves the Titles of Bishops of remote places,<sup>a</sup> where they have no Flocks; and under the pretence of being the Pope’s Vicars in this Realm, address themselves to a party of men, styled by them *Lay-Catholics*; who seperate themselves indeed from our Communion, but yet in right, and according to the Laws of this Land, and the Disci-

<sup>a</sup> [Names of the four Bishops:

*John* Bishop of *Adramite*. V. A.

*Bonaventure* Bishop of *Madaura*. V. A.

*Philip* Bishop of *Aureliople*. V. A.

*James* Bishop of *Callipoli*. V. A.]

pline of the Primitive Church belong to our care: These *four* (I say) under the pretence of Papal Authority, justly and legally abolished in this Kingdom, take upon them now to confirm, and harden those mistaken men in their errors; and to that purpose having (it seems) divided the whole Kingdom betwixt themselves, “before they separate themselves to enter upon their respective Provinces” (as they speak) have thought fit to print and publish a Writing, under the Title of a *Pastoral Letter*; with Directions to those of their party, not only to continue in their former mistakes, but also to use all means for the seducing of others. So that there lies an absolute necessity upon us, to warn, and admonish all the people of this Land, who either of due Right, or actual Communion appertain to us, that they have no fellowship with these Deceivers and Corrupters of the Faith of our Lord JESUS CHRIST; that they pay them no subjection, no not for an hour; seeing they have no auctority over any persons here, either from our LORD CHRIST, or his Apostles, or from any Order of the Primitive Church; and stand condemned by the Laws of this Kingdom, as enemies to the supreme power of the King, to the ancient liberties of the *Britannick* Church, and to the peace and welfare of the Nation.

[Thus far in the Archbishop's hand.]

III. Those therefore to whom they address themselves under the style of *Lay-Catholicks*, in the first place I exhort and beseech in the LORD JESUS, and in the bowells and tenderness of a fatherly affection, that they would examine themselves, whether they be in the Faith; that they would search diligently into the fountains of Life; and read and study the holy Scriptures, that can make us wise  
unto



unto salvation; that they would compare with these the pretended auctority, and the Doctrine of these *Papal* Vicars; and lastly, that they would impartially use such assistances for the discovering of the Truth, as the Grace of God offers them at this time, in so many excellent Treatises upon the points in dispute between the *Roman* Church and us. My dear Brethren be not deceived; God is not mocked. He will require at your hands all those opportunities of knowledge, he will exact an account of all those advantages, which his goodness has offered to you: It is not with you as with those of their persuasion in *Spain* or *Italy*: they have excuses for their ignorance or mistakes, which you cannot pretend: But you whom God has placed in the midst of so great light are utterly inexcusable, if you love darkness better than light. Or if you will not hearken to my voice, I will direct it to God on your behalf, beseeching him through the intercession of our dear and common LORD; that he would remove your prejudices; that he would open your eyes, and bless you with the knowledge of the Truth, as it is in JESUS; that ye may be knit in one fellowship with us: and truly our fellowship is with the Father and his Son JESUS CHRIST.

IV. But to those who profess the same common Faith with us I apply myself with greater assurance. I have that confidence in you all, that, at this time especially, you will hearken to the voice of your Shepherd; whose concern for you is more strong and affectionate than for life itself. I account nothing dear to me in comparison of your Salvation; and this is my joy, this is my greatest dignity, if you stand fast in the Faith, once delivered to the Saints, and now professed by you. Beware of Deceivers who are gone abroad, and proclaim to the world

world their design to shake you from your steadfastness. In order to stand firm against all the arts of these seducers take to you the "whole armour of God," recommended to you by St. *Paul*, the great Archbishop of the Gentiles; take "the sword of the Spirit which is the Word of God;" this will easily cut asunder all the knots of Sophistry; this will overcome and bear down all the subtilty and fallacy of seducers: Let not the Holy Bible depart out of your hands, nor out of your minds; "hear, read, mark, learn and inwardly digest it." So shall ye be free from all infection of error, and remain firm and unshaken amidst all the contrary winds of vain and false doctrine: Make use of those great advantages of knowledge which the divine goodness has put into your hands: Attend to the preaching and writing of those who are over you in the LORD: Attend diligently upon publick Prayer, and be earnest Suppliants to God, that he would preserve his Church and Household here continually, in the true Religion. And though we must acknowledge, that we have rendered ourselves unworthy of his saving Truth, having held it so long in unrighteousness, yet let us instantly beseech him that he would correct us for our sins with any judgement, so that dreadful final one do not overtake us; so He do not utterly forsake us, and deprive us of his Truth.

V. Let Patience be your shield against the insolence of your enemies: suffer not yourselves to be provoked out of your Duty towards God and the King; and let not the weakness of an insolent Adversary tempt you to do any thing against the rules of the Christian Religion. "But above all things have Charity towards all men: Love your enemies, bless them that curse you, pray for them that revile and



persecute you; so shall ye be the children of your Father which is in Heaven." But be sure ye have perfect Charity among yourselves, and remember, that ye "fall not out by the way, for you are Brethren." And as you are united in one Faith, so may your hearts be knit together in brotherly love. Support the weak, confirm the wavering, instruct the ignorant, comfort the afflicted, relieve the poor, rebuke the sinner, and edify one another in Love. Let not your Conversation be a disgrace to your Faith, and a scandal to the weak: but let your Lives be answerable to so holy a Profession: for if you give yourself licence to sin, it is not likely your Faith will be long uncorrupt; a wicked life disposes a man naturally to change for advantage: for since the sinner can take but little pleasure in Religion, he will quickly grow indifferent, and be disposed to chuse that which comes attended with the greatest worldly profit.

VI. Have a singular tenderness for those, who holding the substance of reformed Christianity with us, stand yet divided from us. As far as we have attained, let us speak the same thing, and let us pray to God, that he would unite us into one fold, that we may walk in the same house of God as friends. And now my Protestant Brethren, though differing from us in lesser matters, I will direct my speech unto you in the Spirit of Meekness and Charity.

Doubtless you are our Brethren, and Children of the same Father: We call upon the same God, through the intercession of the same CHRIST. We direct not worship to Saints or Angels: We fall not down before any images of CHRIST or his glorified servants: We worship not the Sacraments of CHRIST's Passion as God: We deceive not ourselves with expectation

pectation of Purgatory Fires after this Life, nor plead any Merit with God, whose unprofitable servants we must confess ourselves to be. We equally renounce all foreign Jurisdiction, as contrary to Christian Discipline, and the Privileges and Independence of this Church and Nation. Having then the same substance of Faith, the same Sacraments, the same *Christ*, let us unanimously joyn in the Preservation of that common Faith, and not suffer ourselves to be divided by our enemies, who being of themselves destitute of force to overthrow our Religion, have no way left to compass their designs upon us, but to divide us among ourselves, and to make us the instruments of our mutual destruction. My Brethren I believe better things of you, and will conclude with my prayers to God for you: That He would direct your way, and enlarge your hearts towards us, for our bowels are not streightned towards you: that He would speak Peace and Unity to us all; that He would preserve us all from corruptions of the Faith, and superstition in worship: that He would ever protect us from the Tyranny of the *Roman Bishop*, which our Fathers after a sad and long enduring were no longer able to bear: And if for our sins we cannot attayn to the desired blessing of a perfect Fellowship, yet as far as we have attayned let us encourage, and assist one another, and be ever united in all the good offices of Christian Affection and Charity.



N<sup>o</sup> LXIII.*King JAMES the Second's Mandate.*

*To our trusty and well beloved the Warden, or  
in his absence the Sub-Warden, and Fellows  
of All-Souls' College in our University of  
Oxford.*

JAMES R.

**T**RUSTY and well beloved we greet you well: Whereas the most Reverend Father in God *Thomas* Lord Bishop of *Chester* hath resigned unto us, as supreme Ordinary, the Vicaridge of *Barking* in our County of *Essex*, which he held in Commendam with the Bishoprick of *Chester*, which surrender we are graciously pleased to accept: And whereas we are well satisfied of the piety, learning, and loyalty of our trusty and well beloved *John Cartwright*, Master of Arts, of *Trinity* College in our University of *Cambridge*; We have thought fitt hereby to recommend him to you in the most effectual manner; Willing and requiring you to present him the said *John Cartwright* to the said Vicaridge of *Barking*, with all the rights, titles, profits and advantages thereunto belonging; any statute, custom or constitution to the contrary notwithstanding. And so expecting your ready compliance herein we bid you farewell. Given at our Court at *Windsor* the 13th day of August 1688, in the fourth yeare of our reigne.

By his Majesty's command.

SUNDERLAND P.

N<sup>o</sup>. LXIV.

[*Copy of an Address to the King from the Bishops ; in the Archbishop's hand.*]

To the King's most excellent Majesty.

**T**HE humble Address of the Bishops, who were by his Majesty's order lately summon'd to attend him.

May it please your Majesty ;

Being sad at the heart for the many great distractions, and dissasections, which we find every where in the minds of your people ; and being most heartily desirous (according to the duty we owe to God and your Majesty) to do all that we can to remove them : We doe hereby crave leave with all humility to propound to your Majesty the following expedients, which, if you please to hearken to, (we think in our consciences) effectually will, and we are sure only can restore to your Majesty the hearts of your people, and quiet and compose their minds : viz.

1. And first in general, if you would please to restore the Government, and the whole management of it to that state, and put it into those hands of the Nobility and Gentry in each County, in which it was, when your Majesty first came to the Crown.

2. If



2. If you would often remember and consider that excellent speech which you made to the Privy Council, when you first sat down in your chair there, and which you after repeated to the Lords, and Commons at the opening of your first Parliament; in which your Majesty was pleas'd to declare, that you would support the Church of *England*, for you knew her principles; and complain'd, that you were misrepresented as a man of arbitrary principles; whereas you knew, that the laws are sufficient to make the Monarch as great as you desir'd to be.

3. If you would please often to read over, and in the fear of God seriously to consider the tenour and importance of your Coronation Oath; in which you swear solemnly before God, and Angels, and men, that you would keep, and confirm the Laws, and Customs granted by the Kings your predecessors to the people and to the Clergy of *England*; according to the Laws of God, and the true profession of the Gospel established in this Kingdom, &c.

4. In consequence of these obligations, if you would please to annul your high Commission for Ecclesiastical affairs; as being evidently contrary to two acts of Parliament.

5. If you would please effectually to revoke all Dispensations, and Letters mandatory, or recommendatory, by virtue wherof any not duly qualified by Law hath been put into or continued in any place or office, or preferment, in Church, or State, or in the Universities; especially which have the cure of souls annexed to them.

6. Particularly if you would please to restore the President and Fellows of the College of *St. Mary Magdalen* in *Oxford* to their just and undoubted rights; and permitt them to resettle that College according to their Statutes, and the laws of the Land.

7. If

7. If you would please by your Royal Proclamation to inhibit the *four Romish* Bishops, who style themselves Vicars Apostolical, and by a forreign auctority, not deriv'd from your Crown, ride Circuit in the Land, and have presum'd to cantonize this your Kingdom into *four* Provinces and to divide it among themselves; (having printed Maps of it accordingly) exercising therein a jurisdiction, of which the respective Bishops have been long possessors, and which by the Laws of *England* belongs unquestionably to them; whom your Majesty hath often declar'd (and even in your Declaration of Ap. 4, 1687.) that you will protect, and maintain in the quiet, and full enjoyment of all their rights and possessions, without any molestation, or disturbance whatsoever.

8. That you would please to revoke all Licences, or Faculties, by which any person, who is not of the Communion of the Church of *England*, pretend to be enabled to teach publick schools, and thereby endanger the corrupting the principles of the youth of the Nation.

9. If your Majesty would please by your Proclamation strictly to command all Jesuites, and Seminary or Missionary Priests (who goe about continually in great swarms, labouring to perplex, and unsettle, and seduce your good people) immediately to depart out of all your Dominions, and not to return, but under the penalty of the Law: And particularly, that Mr. *Edward Petre* be forthwith sent away, and not permitted any longer to sitt in your Councils, or to be so near your person, to the great and just scandal and scorn of your best subjects, and of the whole Nation.

10. If



408 *Copy of an Address from the Bishops.*

10. If you would please to referr the whole matter, and all the points of your late Declaration for Liberty of Conscience (in and by which so many of the Laws of the Land, and those of the highest concernment are manifestly violated, and invaded;) to be debated, adjusted, and finally settled by your Majesty, and the three estates of the Realm in a free and regular Parliament, in whom alone the power of making, and repealing Laws, and the whole Legislature of this Realm is legally settled.

11. And that this may be done, and the rest of these expedients (so far as shall be thought fitting) farther consider'd, confirm'd, and finally settled, and that with all convenient speed, as the weightiness of the matter requires; If your Majesty would please as soon as may be to cause a Parliament to be summon'd; and to the end that it may be free, and the Representatives that are to serve in it duly and fairly chosen; to supersede all farther prosecution upon Quo Warrantos or otherwise; and restore all Corporations (the City of *London* especially, and in the first place) to their former, and ancient Charters, Immunities, Privileges, and Franchises, according to the Lawes.

These things if it shall please Almighty God, in who's hands the hearts of Kings are, to incline your Majesty to doe; We doubt not yet —

*An account of the Bishops presenting an Address to the King, with Ten Advices.*

*Whitehall, Sept. 24. 1688.*

My Lord,

THE King thinking it requisite to speak with your Grace, and several others of the Bishops, who are within a convenient distance of this place, his Majesty commands me to acquaint you, that he would have you attend him upon Friday next at Ten in the Morning. I am

My Lord,

Your Grace's

most faithful and

most humble Servant,

SUNDERLAND. P.

Lord Archbishop of Canterbury.

Letters to the same purpose, and of the same date (or about that time) were sent to the Bishops of *London, Winchester, Elie, Chichester, Bath and Wells, Peterburgh, Bristol, and Rochester*: All which (but *London* and *Bristol*) came to Town; and all (but the Archbishop) waited on the King at the time appointed. The next day the Bishop of *Winchester* went out of Town, and the day after that the Archbishop waited upon the King alone: and by



his appointment on Wednesday Oct. 3d, all, who remained in Town, went together to his Majesty; to whom (in the name of the rest) the Archbishop spake, as followeth.

May it please your sacred Majesty;

When I had lately the honour to wait upon you, you were pleas'd briefly to acquaint me with what had past two daies before between your Majesty, and these my Reverend Brethren: By which, and by the account, which they themselves gave me, I perceiv'd, that in truth there past nothing, but in very general terms, and expressions of your Majesty's gracious, and favourable inclinations to the Church of *England*, and of our reciprocal duty, and loyalty to your Majesty: Both which were sufficiently understood, and declar'd before; and (as <sup>a</sup> one of my Brethren then told you) would have been in the same state, if the Bishops had not stir'd one foot out of their Dioceses. Sir, I found, it griev'd my Lords the Bishops to have come so far, and to have done so little: and I am assur'd, they came then prepar'd to have given your Majesty some more particular instances of their duty, and zeal for your service; had they not apprehended from some words, which fell from your Majesty, that you were not then at leisure to receive them. It was for this reason, that I then besought your Majesty to command us once more to attend you all together; which your Majesty was pleas'd graciously to allow, and encourage. We are therefore here now before you, with all humility to beg your permission, that we may suggest to your Majesty such Advices, as we think proper at this season,

<sup>a</sup> Bishop of Bath and Wells.

and

and conducing to your service, and so leave them to your princely consideration.—Which the King being pleas'd graciously to permit; the Archbishop proceeded, as followeth. Our first humble advice is;

1. That your Majesty will be graciously pleas'd, to put the management of your Government in the several Counties into the hands of such of the Nobility, and Gentry there, as are legally qualified for it.

2. That your Majesty will be graciously pleas'd, to annull your Commission for Ecclesiastical Affairs; and that no such Court, as that Commission sett's up, may be erected for the future.

3. That your Majesty will be graciously pleas'd, that no Dispensation may be granted, or continued, by virtue whereof any person, not duly qualified by Law, hath been or may be put into any Place, Office, or Preferment in Church, or State, or in the Universities, or continued in the same; especially such, as have cure of souls annex't to them: And in particular, that you will be graciously pleas'd to restore the President, and Fellows of St. Mary-Magdalen-College in Oxford.

4. That your Majesty will be graciously pleas'd, to sett aside all Licences, or Faculties already granted, by which any persons of the *Romish* Communion may pretend to be enabled to teach publick Scholes; and that no such be granted for the future.

5. That your Majesty will be graciously pleas'd to desist from the exercise of such a Dispensing Power, as hath of late been us'd; and to permitt that point to be freely and calmly debated, and argued, and finally settled in Parliament.

6. That your Majesty will be graciously pleas'd to inhibit the four forain Bishops, who stile them-



selves Vicars Apostolical, from farther invading the Ecclesiastical Jurisdiction, which is by Law vested in the Bishops of this Church.

7. That your Majesty will be graciously pleas'd to fill the vacant Bishopricks, and other Ecclesiastical Promotions within your gift both in *England* and *Ireland*, with men of learning and pietie: And in particular (which I must own to be my peculiar boldness, for 'tis done without the privity of my Brethren;) that you will be graciously pleas'd forthwith to fill the Archiepiscopall Chair of *York* (which hath so long stood empty, and upon which a whole Province depends) with some very worthy person: For which (pardon me, Sir, if I am bold to say) you have here now before you a very fair choice.

8. That your Majesty will be graciously pleas'd to supersede all farther Prosecution of Quo Warrantos against Corporations, and to restore to them their ancient Charters, Privileges and Franchises; as we hear God hath put it into your Majesty's heart to doe for the Citie of *London*; which we intended to have made otherwise one of our principal requests.

9. That if it so please your Majesty, Writs may be issued out with convenient speed, for the calling of a free and regular Parliament; in which the Church of *England* may be secur'd according to the Acts of Uniformity; provision may be made for a due Liberty of Conscience, and for securing the liberties and properties of all your subjects; and a mutual confidence, and good understanding may be established between your Majesty, and all your people,

10. Above all, That your Majesty will be graciously pleas'd, to permitt your Bishops to offer you such motives, and arguments, as (we trust) may by God's Grace be effectual to persuade your Majesty

to return to the Communion of the Church of *England*: into who's most Catholique Faith you were baptized, and in which you were educated, and to which it is our daily earnest praier to God, that you may be reunited.

These (Sir) are the humble advices, which out of conscience of the duty, we ow to God, to your Majesty and to our cuntry, we think fitt at this time to offer to your Majesty, as suitable to the present state of your affairs, and most conducing to your service, and so to leave them to your princely consideration, And we heartily beseech Almighty God, "in who's hand the hearts of all Kings are, so to dispose, and govern yours, that in all your thoughts, words, and works you may ever seek his honour and glory, and study to preserve the people committed to your charge in wealth peace and godliness;" to your own both temporal, and eternall happiness. AMEN.

We also doe heartily concurr, W. CANT.

H. LONDON.

FRAN. ELY.

P. WINCHESTER.

JO. CICESTR.

W. ASAPH,

THO. ROFFEN.

THO. BATH  
& WELLS. }

T. PETRIBURG.



N<sup>o</sup> LXVI.

*Mr. Evelin of Deptford's letter concerning the  
Prayers for Time of Invasion, &c. suggested  
by the E. of S.*

My Lord;

**T**HE honor and reputation which your Grace's piety, prudence, and signal courage have justly merited, and obtained (not only from the sons of the Church of *England*, but even universally from those Protestants amongst us, who are Dissenters from her) God Almighty's Providence, and blessing upon your Grace's vigilaney and extraordinarie endeavours will not suffer to be diminish'd in this conjuncture. The conversation I now and then have with some in place (who have opportunitie of knowing what is doing in the most secret recesses of our Churches adversaries) obliges me to acquaint your Lordship, that the calling of your Grace and the rest of the L L'. Bps. to Court, and what has there been lately requir'd of you, is onely to create (if possible) some jealousies, and suspicions amongst the well-meaning people, of such compliances as 'tis certaine, they have no cause to apprehend. The whole plan of this (and of all that is to follow of seeming favour thence) is drawne by the *Jesuites*, who are at this time more buisy than ever to make divisions amongst us, all their other mechanismes, and arts having fail'd them. They have contriv'd that your Lordships the Bishops should be summon'd to give his Majesty advice separately without  
any

any of the rest of the Peeres, &c. which tho' most maliciously suggested, is generally spread about the Towne. I do not at all question, but as your Grace cannot but heare of this, so you will speedily prevent the operation of the venome, and that you will think it very necessary so to do. That your Grace is also injoyn'd to compose a Forme of prayer, wherein a great Prince is expressly to be named the Invader: Of the truth of this I presume to say nothing: But (whatever it be) forasmuch as in all the Declarations which hitherto have been publish'd in pretended favour of the Church of *England*, there is not once any mention of the Reformed or Protestant Religion, but only of the Church of *England* as by law establish'd (which Church the Papists tell us is the Church of *Rome*, that is (say they) the Catholick Church of *England*, which onely is established by law, the Church of *England* in the reformed sence, so established, but by an usurped authority: The ambiguity of that would be explained, utterly defeate this false construction, and take off all exceptions whatsoever, if in all extraordinarie offices upon these occasions (and especially at this juncture) the word *Reformed* and *Protestant* were added to that of the Church of *England*: And whoever threatens to invade, or come with intentions for the prejudice of that Church, in God's name (be they *Dutch* or *Irish*) let us heartily pray against them.

My Lords this is (I confesse) a bold, but honest paper; and tho' I am well assured of your Grace's being perfectly acquainted with all this before, and therefore may blame my impertinence as an *Αλλοτριος-Επισκοπος*; yet I am confident you will not reprove



prove the zeale of one who most humbly implores  
your Grace's pardon, with your blessing

Your Grace's most humble  
and most dutiful servant.

Octob. 10. 88.

J. E.

My servant, who delivers this to your  
Grace, is a faithful and trusty young  
man: I should however be glad to re-  
ceive one line if your Grace does pardon  
this presumption, an indispenfable occa-  
sion deteining me from waiting on your  
Grace at this instant.

### N<sup>o</sup> LXVII.

¶ Praiers to be used in all Cathedral, Colle-  
giate and Parochial Churches, and Cha-  
pells within this Kingdom, during this  
Time of publick Danger; and to be added  
to the daily Office both Morning, and  
Evening, immediately after the Praiers for  
the King, and for the Roial Family.

By his Majesty's special Command.

*For Repentance.*

**A**LMIGHTY GOD, and most merciful  
Father; We miserable sinners doe here hum-  
bly acknowledge before thee, that we are unworthy  
of

of the least of all thy Mercies. We confess, O Lord, in the bitterness of our souls, that we have grievously sinned against thee; that all orders of men amongst us have transgress'd thy righteous Laws; that we have hitherto render'd both thy Mercies, and thy Judgments ineffectual to our amendment. It is of thy meer Mercy, O Lord, that we are not consumed; for which our souls doe magnify, and bless thy Name. O God, who hast hitherto spar'd us, to the end, that thy Goodness might lead us to Repentance; let it be thy good Pleasure, to give unto us all that godly Sorrow, which worketh Repentance to Salvation, not to be repented of; that thou maist turn from thy heavy displeasure against us, and maist rejoyce over us to do us good; through the Merits, and Mediation of Jesus Christ, our Lord, and only Saviour. *Amen.*

*For the King.*

ALMIGHTY GOD, the blessed and only Potentate; we offer up our humble Supplications, and Prayers to thy divine Goodness; beseeching thee in this time of Danger to save, and protect our most gracious King. Give thy holy Angels charge over him. Preserve his Roial Person in Health, and Safetie: Inspire him with Wisdom, and Justice in all his Counsells: Prosper all his Undertakings for thy Honour and Service with good Success: Fill his princely heart with a fatherly Care of all his People; and give all his Subjects Grace allwaies to bear Faith and true Allegiance to his Majesty: That both King, and People, joining together to promote thy Glory, and conscientiously discharging their Duties in their several Stations, may all give



thee Thanks and Praise for thy most mighty Protection, and for all other thy great Mercies vouchsafed to us, through JESUS CHRIST thy Son, our Saviour. *Amen.*

*For Peace and Unitie.*

O LORD GOD, our only Hope in time of need; save, and deliver us, we humbly beseech thee, from all those Dangers, that threaten us. Give Peace in our Daies, O Lord, if it be thy good will; and prevent the effusion of Christian Blood in our Land. Reconcile all our Diffensions; and heale all our Breaches. Preserve and establish that holy Religion, we profess, together with our Laws, and ancient Government. Unite us all in unfeigned, and universall Charity one towards another, and in one, and the same holy Worship, and Communion; that with one Heart, and one Mouth we may glorify thy holy Name, and shew forth thy Praise from Generation to Generation: And this we beg for the sake of JESUS thy beloved, in whom thou art well-pleased: To whom with thee, and the Holy Ghost be all Honour, and Glory now, and evermore. *Amen.*

¶ The Collect appointed for the 5th Sunday after Trinity, and that for the 5th after Epiphany, or either of them, may here also be used.

N<sup>o</sup>. LXVIII.

*King James IId's Mandate to the Archbishop  
of Canterbury to grant Dispensation to Ro-  
bert Hanbury to hold two Livings, without  
distance.*

JAMES R.

**O**UR will and pleasure is, that you forthwith  
grant your Dispensation to our trusty and  
welbeloved *Robert Hanbury* Batchelor of Laws, one  
of our Chaplains in ordinary and Vicar of the Pa-  
rish Church of *Leatherhead* in our County of *Surrey*  
and the Diocese of *Winton*, that together with the  
said Vicaridge he may hold and enjoy the Rectory  
of *Hemingford Abbots* in our County of *Huntingdon*  
and the Diocese of *Lincolne*, notwithstanding the  
same are without distance. And for so doing this  
shall be your warrant. Given at our Court at  
*Whitehall* the 13th day of October 1688, in the  
fourth yeare of our Reigne.

By his Majesty's command,

SUNDERLAND P.

To the most Reverend Father in God

William Lord Archbishop of *Canterbury*

Primate of all *England* and

Metropolitan.



## N°. LXIX.

*Letter to the Archbishop from F. E.*

[FRAN. ELY.\*]

Seven at Night.

May it please your Grace!

**J**UST now Mr. *Thinne* brings me a message from *Ld. Godolphin* (whose credit is great at this time) that the King and Court seem to wonder that they received no farther applications from the Bishops to day; adding that it was my *Ld. Godolphin's* opinion, *That whatever now was fitt to be askt by us wee might have it granted at least by degrees, therefore we ought to be plaine and propose most humbly and as a necessary discharge of our duty to his Majesty whatever wee thought necessary for the publick security;*

This I thought fitt to impart for your Grace's consolation: But, good my Lord, press for expedition with some such kind expression as this that *otherwise the trapp will be fallen upon us ere wee are aware.*

Wee discourst Mr. *Thinne* upon their fatal inadvertency for excepting all the Clergy by immediate consequence out of the generall pardon. Hee stood amaz'd and ran away to *Whitehall* about it before the Counsell should rise.

I must be so just to *Ld. Clarendon* as to adde this one Memoire, that not only an *Irish* Archbishoprick, with three Bishopricks there, but all their Deanerys, and every Parsonage and Vicaridge that has fallen in the gift of the Crowne, since *Tirconnel's* Regency, is kept void in *Ireland*.

\* [The whole in the Bishop of Ely's hand.]

God's

God's Holy Spirit guide your Grace and grant your favor in the sight of his Majesty! May you, my good Ld. perform *Fortiter in Re, suaviter in modo*. God send your Grace a good night and a happy morning. I am

Your obliged  
and obedient Servant,  
F. E.

---

N<sup>o</sup>. LXX.

*Letter to the Archbishop from the Bishops of  
Rocheſter and Peterborough.*

May it pleaſe your Grace,

HAVING waited upon my Lord Chancellor we have acquainted him with the objection in the Proclamation of Pardon, who tells us, Tis the usuall expreſſion in all acts of Pardon, and that we are included therein, and that the King has already been told of it by my Lord *Godolphin* this evening; and therefore tis thought adviſable that your Grace ſhould not mention it at all, or elſe very ſlightly to paſſe it over. This we thinke reaſonable ſhould be imparted to your Grace by

Our good Lord

Your Grace's

moſt obedient ſervants

THO. ROFFEN:

THO. PETRIBURG.

N<sup>o</sup> LXXI.



N<sup>o</sup>. LXXI.

*A Journal of what passed between the King, and some of the Bishops, concerning an Abhorrence of the Designs of the Prince of Orange. 1688.*

ON Tuesday, October 16, the Arch-bishop receiv'd a letter from Mr. *Bridgeman*, acquainting him, that the King desir'd to speak with him that morning, if his health would permitt.

[*Whitehall*, Oct. 16th. 88.]

My Lord,

I am directed to acquaint your Grace, that his Majesty desires to speak with you about 10 this morning, if your health will permitt you to come.

I am with great respect and submission

My Lord

Your Grace's

most obedient humble Servant

W. BRIDGEMAN.]

Ld. Archbishop  
of *Canterbury*.

He went over at ten of the Clock, and was introduced to the King; who discours'd to him about many things: as about the restoring of *Magdalen College* in *Oxford*; that the Bishop of *Winton* mistook

took his Letter, for he never meant to delay the Visitation;<sup>a</sup> and about the restoring of the Corporations, which, he said, should have been done the day before, had not the Lawyers differ'd about the penning of the Proclamation, &c.

The Archbishop told him, that he had lately receiv'd a letter without a name, complaining of the ill state of the Church in *Ireland*; particularly, that four Bishopricks had been long void there, the filling of which was the Bishops 7th advice to his Majesty; and some other grievances; of all which the King desir'd to have a particular account sent to him, the Archbishop not having the letter about him.<sup>b</sup>

At last the King came to that, which may be suppos'd to have been his chief intention in sending for the Archbishop; sc. to tell him, that he had receiv'd certain intelligence, that the Prince of *Orange* was coming to invade *England*, and to make a Conquest of it, &c; and in fine, that it would be very much for his service, and a thing very well becoming the Bishops, if they would meet together, and draw up an Abhorrence of this attempt of the Prince, &c.

The Archbishop told him, that, as soon as the Bishops had waited upon him the last time together, they (supposing his Majesty had no farther commands for them) made hast to return into their several Dioceses; so that there were now none of them in Town; the Bishop of *London* being not yet come, and the Bishop of *Rocheſter* being gone into *Essex*.

The King replied, that these two last nam'd

<sup>a</sup> [See *Macpherson's Orig. Papers*. Vol. I. Pag. 272, 273.]

<sup>b</sup> [See N<sup>o</sup> LXIX. Page 420.]



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might quickly be found; and that he was told, that the Bishop of *Peterb.* was still in Town.

The Archbishop answered, That it was more than he knew; for that Bishop had bid him farewell some time before; saying, That he was going into the Countre: so that in all likelihood no considerable number of Bishops could now be gott together. Where 'tis to be noted, That the King did not at all mention the Bishops of *Chester*, *St. David's*, &c; though there was now so direct an occasion leading to it.

But the King still insisting upon his former proposal; the Arch-bishop, asking first, and having his Majesty's leave to speak freely, said, That there would be (he thought) no occasion for the Bishops to make such a Declaration; for (said he) I could never believe (nor do I yet) that the Prince hath such a Design: for which, (being demanded,) he gave several reasons, too long to be here inserted: and this was all that passed at that time concerning this matter.

On Wednesday, October 31st, the King ordered a letter to be sent by a messenger to the Bishop of *London* at *Fulham*; commanding him forthwith to wait upon his Majesty: but the Bishop, having been abroad in the countre, came not home, till it was too late to doe so.

[*Fulham*, Oct. 31.

My Lord,

I returned home so late this evening, that I could not hope of waiting upon the King this afternoon according to his commands. But understanding that

that the rest of your Lordships were likewise sent for: I beg to know, only by word of mouth, what the matter is; that I may attend accordingly.

My Lord

Your Grace's

most dutifull Servant,

H. LONDON.

[Superscription.]

To the most Reverend

the Lord Archbishop of

*Canterbury.*]

On Thursday, Nov. 1st, the Bishop of *London* waited on the King; and what passed between them the Bishop thus relates in his Letter, dated Nov. 6th. "When I waited on the King by his Command on Thursday morning, Nov. 1st, he told me, That he had sent for me, when he had nothing but the Declaration of the States of *Holland*: but that the Declaration of the Prince of *Orange* was now come to his hands; out of which he read to me the short paragraph of the Lords Spiritual and Temporal inviting his Highness over. Upon which I told him, I was confident, the rest of the Bishops would as readily answer in the negative as myself: and his Majesty was pleas'd then to say, he did believe us all innocent. Next he told me, he thought it requisite, we should make some publick Declaration of our innocence in this matter, and likewise an Abhorrence. I then desir'd to see the Declaration; but he refused. I told him, this was a matter to be consider'd. Every one (said he) is to answer for



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himself: But I will send for my Lord of *Canterbury*, who shall call you together.”<sup>a</sup>

On the same Day the Archbishop receiv'd a Summons from the Earl of *Middleton* to wait upon the King (with the rest of the Bishops) the next Day, at ten of the Clock in the morning.

[*Whitehall*, 1st November, 1688.

My Lord,

THE King commands me to acquaint your Grace, that he desires to speak with you at Ten o'Clock to morrow morning, and that your Grace would bring with you such others of my Lords the Bishops as are in Town.

I am

My Lord

Your Grace's

most humble Servant,

MIDDLETON.

Lord Archbishop of *Canterbury*.]

In obedience to which command on Friday, Nov. 2d, the Archbishop went to *Whitehall*, and found in the King's Bed-chamber the Bishops of *London*, *Duresm*, *Chester* and *St. David's*: and they all being called into the Closet to the King, he told them, That he had seiz'd a person, who had brought into the Citie a great number of the Prince of *Orange's* Declarations, and had begun to disperse them: for his Majesty had receiv'd five or six copies from several persons, to whom they had been sent in penny-post-Letters; which he had thrown into the fire;

<sup>a</sup> See the whole Letter N° LXXII.

but

but that he had still one copy, (which the Lord Visc. *Preston* held in his hand; who had all this while, from the first coming in of the Bishops, stood by the King :) in which, (said the King to the Bishops) there is a passage, that concerns you; which he thereupon commanded the Secretary to read to them; pointing to the places, where he would have him begin, and end. The sum of it was; That he (the said Prince) was coming to invade *England*, being thereunto invited, (among others of the *English* Nation) by a great many of the Lords both Spiritual and Temporal. Whereupon the King was pleas'd to say, That he did not believe a word of it; that he was fully satisfied of the Bishops innocency, and that it was a false accusation; notwithstanding, that he thought fitt to acquaint them with it; and that this was the occasion of his sending for them at this time.

The Archbishop, having thanked the King for his good opinion, so frankly and graciously express'd, spoke to this purpose: That he owed to his Majesty a natural Allegiance, having been born in his Kingdom; that he had oftentimes confirm'd this by taking voluntarily the Oaths of Supremacy and Allegiance, and could have at once but one King; that (as his Majesty well knew) he never worshipt the rising Sun, nor made Court to any, but to his King; and to him he did, as often as he was pleas'd to receive it. And, as to this particular charge, and his personal concern in it, he averr'd it to be utterly false; he having been so farr from inviting the said Prince any way to make this attempt, that he never made any application to him: And farther, That he did not know, nor could believe, that any of his Brethren the Bishops had given the Prince any such an Invitation. The Bi-



shop of *London* said, he had given the King his answer the Day before: the Bishop of *Duresm* said, I am sure, I am none of them. Nor I; Nor I; said the other two.

After this, the King, repeating more than once his former Declaration, That he verily believ'd the whole charge to be a groundless aspersion upon the Bishops; did nevertheless require, that some such denial should be publish'd, saying, It would be for his service; yet would not allow time to send for the absent Bishops; but commanded the Archbishop to call together as many of the Bishops as were at hand, and to consider with them, what was fitt for them all to do, in order to the vindication of themselves from this accusation. The Archbishop told him, That there were no Bishops at hand, (except those there present) but the Bishop of *Rockester*; to whom he undertook to send that night, and to summon him in. Here the Bishop of *St. David's* interpos'd, and affirm'd, that the Bishop of *Peterburgh* was then in Town; that he had been seen the day before in the *Temple*; and that he had enquir'd at his Lodging, where so much was acknowledged. The Archbishop told the King, It might possibly be so, but that he knew it not; and that if he could, he would find him out.

Then the King went on to say, That, when we mett, if we should resolve upon a Paper, or Apology for ourselves in writing, before we did any thing farther in it, the Archbishop should bring it to him; (or rather send it, said he to the Archbishop; for I would not endanger your health: for which his roial compassion the Archbishop gave him thanks :) And then (he proceeded to say) it being approved by me, may by you (the Metropolitan) be sent to the absent Bishops for their concurrence.

All

All this while there was not one word spoken about the Abhorrence. But at last the King said, you may do well, and it will be very much for my service, &c. if in your paper you express your dislike of the Prince's Design: to which (though he said it twice) neither the Archbishop, nor the Bishop of *London*, (nor any of the other three, as far as is remember'd) return'd one Word. And so they were dismiss'd.

On Saturday, Nov. 3d, the Bishop of *London* (who had promis'd the Archbishop the day before to dine this day with him) and the Bishop of *Rochester* (who had been in the mean time sent to, to meet him there) came to *Lambeth* accordingly. But understanding, when they came, that the Bishops of *Chester* and *St. David's* (though not invited) were come in before them, and were with the Archbishop; they went together to dine with a friend not far off; and returning about 3 or 4 of the Clock (those 2 other Bishops being then gone) to the Archbishop, they consulted, and agreed, that the Archbishop should send to enquire after the Bishop of *Peterburgh*, and that all should meet again there on Monday, and resolve, what was fit to be done on this occasion.

The Archbishop having found upon enquiry, that (whatever the Bishop of *St. David's* pretended) the Bishop of *Peterburgh* was not in *London*; but that he might possibly be heard of at a place in the country not far remote:

On Sunday, Nov. 4th, before day, he horst a servant, and sent him with a Letter to the Bishop; who being found, came that evening to the Archbishop, and was by him acquainted with the meeting appointed for the day following: at which he promis'd to be present.

In



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In the mean time (this day before dinner) his Majesty sent the Lord *Preston* to the Archbishop, to require him to expedite (as much as might be) the return to the King's proposal. The Archbishop acquainted his Lordship what had been done herein hitherto: which, he confess'd, was as much as could be done; and said, that he would inform his Majesty accordingly.

On Monday, Nov. 5th, the Bishops met all at *Lambeth* according to appointment; and, after due deliberation and debate, agreed unanimously, what measures to take, and hold to in their answers upon the whole matter: and what they were, will best appear at their next audience.

This evening the Archbishop sent to the Lord *Preston*, to give him notice, that the Bishops had this day mett; and were ready to wait upon the King the next day between 10 and 11 in the morning, if it were agreeable to his Majesty's convenience, and good pleasure. The Secretary went immediately to the King, and having spoken with him, return'd answer, that his Majesty accepted of the time, and would then expect them.

On Tuesday, Nov. 6th, when the Bishops came together at *Whitehall*, they found the Bishop of *St. David's* waiting for them in the Guard-chamber, ready to thrust in with them to the King. But they meeting also (very happily) the Lord *Preston* there, the Archbishop took him aside, and desir'd him to procure for them a private audience from the King. His Lordship understood the meaning of the request; and going presently to the King, moved him in it: who thereupon (as the Lord *Preston* inform'd the Bishops) ordered the Bishop of *St. David's* to withdraw; which he did.

When the Bishops came into the Closet \*

\* [Here concludes the Narrative in the Abp's hand writing.]

*Letter to the Archbishop of Canterbury from  
the Bishop of ROCHESTER.*

May it please your Grace,

WHEN I came out of Town on Friday morning I desir'd divers of your Grace's family to give me notice by a messenger, as soon as your Grace should be certain of the time of my Lord of *London's* coming to *London*. But having heard nothing as yet from *Lambeth*, I presume his Lordship is not yet return'd out of *Essex*. In this time I have drawn up, as your Grace commanded, what I can remember of our Conference at *Whitehall*; that if my Lord of *Peterburgh* shal be pressing to go out of Town, your Grace may be furnish'd with matter, together with what he shal remember, for the composing an exact account of all that pass'd. I believe my papers are by much too long; but I thought it was better, in a business of great consequence, to be tedious, than to omit any thing considerable. I shal be ready upon the first summons to attend your Grace and my brethren at *Lambeth*. I beg your Grace's prayers for

Your Grace's most humble

and most obedient Servant,

Nov. 12th.  
*Bromley.*

THO. ROFFEN.

*The*



*The Bishop of ROCHESTER's Relation.*

The Substance (as I can remember) of what passed between the King, my Lord A B. of C, my Ld of L, my Ld of P, and myself, on Tuesday November 6th, 1688.

WE four being sent for into the room within the Bed-chamber, whither the King was come before, my Lord A B. began to this purpose.

A B. Sir, we think, we haue done all that can be expected from us in this business. Since your Majesty has declar'd, you are well satisfy'd in our Innocency, we regard not the censures of others.

Here the Bishop of *Peterburgh* and myself, having bin absent the former meeting, made our personal protestations, (as my Lord A B. and my Lord of L. had done before us) that we had neither by word or writing, directly or indirectly invited the Pr. of *Orange* to invade his Majesty's dominions, nor did we know of any that had.

K. My Lords, I am abundantly satisfy'd with you all, as to that matter. I had not the least suspicion of you. But where is the paper I desir'd you to draw up, and bring mee?

Bps. Sir, we have brought no paper. Nor (with submission) do we think it necessary or proper for us to do it. Since your Majesty is pleas'd to say, you think us guiltless, we despise what all the world besides shal say. Let others distrust us as they wil, we regard it not: we rely on the testimony of our own consciences, and your Majesty's favorable opinion.

K. But I expected a paper from you. I take it, you promis'd mee one. I look upon it to be absolutely

lutely necessary for my service: and feing you are mention'd in the Pr. of *Orange's* Declaration, you should satisfy others as well as mee.

Here the King, taking notice, that my Lord of *Peterburgh* and myself had bin absent the time before, took out the Declaration, and read to us what concern'd the Birth of the Pr. of *Wales*, and the Pr. of *Orange's* resolutions to come hither for the preservation of our Religion, and Laws, being invited by a great many of the Spiritual and Temporal Lords.

Bps. Sir, we cannot think ourselves bound to declare publicly under our hands against a paper, come forth in such a private manner, which as yet nobody owns; and which, as they say, seems rather to be written like a Lawyer's Breif, than a Princely Declaration. We assure your Majesty, scarce one in 500 believes it to be the Prince's true Declaration.

K. No! said the King with some vehemence, then that five hundred would cut my throat, or bring in the Prince of O upon my throat.

Bps. God forbid.

K. What, must not I be believ'd? must my credit be call'd in question? and turning the Declaration over in his hands, one of us ask'd, whether the Pr. of *Orange's* arms were to it? He said, there were all the signs of a true Declaration.

Bps. Sir, your Majesty's credit is not here concern'd. It is sufficient for that, that your Officers seisd on it.

A B. Sir, it is a good reason to us to suspect it is not his, that this very clause is in it, of his being invited by a great many Spiritual and Temporal Lords. For either this is true, or false. If true, one would think it were very unwisely done of the Pr. of O to discover it so soon. If it be false, one



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would not imagin, a great Prince would publish a manifest untruth, and make it the grounds of his enterprize.

K. What! he that can do as he does, think you he wil stick at a Lye? You all know how usual it is, for men in such cases, to affirm any kind of falshoods for the advantage of their cause.

Bps. However, Sir, this is a business of State, which properly belongs not to us. To declare peace and war is not our duty; but in your Majesty's power only. God has intrusted the sword with you.

A B. Truly, Sir, we have lately some of us here, and others my Brethren who are absent, so severely smarted for meddling with matters of State and Government, that it may well make us exceeding cautious, how we do so any more. For tho' we presented your Majesty a Petition of the most innocent nature, and in the most humble manner imaginable, yet we were so violently prosecuted, as it would have ended in our ruine, if God's goodness had not preserv'd us: and I assure your Majesty, the whole accusation turn'd upon this one point—Your Attorney and Sollicitor both affirm'd, that the honestest paper relating to matters of Civil Government might be a seditious Libel, when presented by persons, who had nothing to do with such matters, as they said we had not, but in time of Parliament. And indeed, Sir, they pursued us so fiercely upon this occasion, that, for my part, I gave myself for lost.

K. I thank you for that, my Lord of *Cant.* I could not have thought, you would believe yourselves lost by falling into my hands.

Bps. Sir, my Lord of *Canterbury's* meaning is, he

he look'd on himself as lost in the cours of Law; lost in *Westminster-Hall*.

A B. But, Sir, the injustice of the prosecution against us did not cease there. After we had bin acquitted by our Jury, and our acquitment was recorded; and so we were right in the eye of the Law: yet after that we were afresh arrain'd, and condemn'd by divers of your Judges, as seditious Libellers, in their Circuits all over *England*.<sup>a</sup> And, Sir, I beg leave to say, that if the Law were open, (that is, as my Lord of *Cant.* afterwards explain'd himself, if the same persons were not to be judges and parties) had the meanest subject, your Majesty has, bin us'd as we have bin, he would have found abundant reparation in your Courts of Justice for so great a scandal.

I wil particularly acquaint your Majesty with what one of your Judges, Baron *H.* by name, sayd, coming from the Bench, where he had declar'd our Petition to be a factious Libel. A Gentleman of Quality asking him, how he could have the conscience to say so, when the Bishops had bin legally discharg'd of it? he answer'd, you need not trouble yourself with what I sayd on the Bench: I have instructions for what I sayd, and I had lost my place, if I had not sayd it. Sir, added the A B. I hope this is not true. But it is true, that he sayd it. There was another of your Judges, Sir, Baron *R.* who attacqu'd us in another manner, and endeavor'd to expose us as ridiculous, alledging, that we did not write true *English*, and 'twas fit we should be corrected by Dr. *Busby* for false grammar.

Bps. Sir, that was not all. The same Judge, as we are certainly inform'd, presum'd to revile the

<sup>a</sup> [See Justice *Allibon's* Charge, N<sup>o</sup> LXI.]



whole Church of *England* with the most scandalous language: affirming, that this Church, which your Majesty has so often honor'd by promising to cherish and protect it, is a cruel and bloody Church.

K. The King, speaking to my Lord of *Cant.* sayd, my Lord, this is querelle d'Alemand: all this is a matter quite out of the way. I thought, this had bin all forgotten. For my part, I am no Lawyer. I am oblig'd to think what my Judges do is according to Law. But if you wil stil complain on that account, I think, I have reason to complain too. I am sure your Council did not use mee civilly. I know what is commonly said, that it is customary for the Council to speak what they can for their Clyents. But they went farther, and interpos'd in matters they had nothing to do with. As for what you say, that it is hazardous to medle in matters of State, that is true, when I do not call you to it. But I may ask counsail, or assistance of any, as I now do of you; and then there can be no danger.

Here the King stil earnestly urging, that we would present him with something under our hands, which he had before sometime call'd a Dislike, sometime an Abhorrence, sometime a Detestation of the Pr. of *Orange's* proceedings; and his Majesty insisting much upon a promise of this nature, made by my Lords of *Cant.* and *London*, when we the other two were absent: they with all duty and submission persisted, that they never positively promis'd a paper, but only to deliberate with other their Brethren about Town, whom they could confide in, about framing a paper; and, if they should agree upon one, to bring or send it to his Majesty. Upon this the King asked my Lord *Preston*, whom his Majesty had sent for some time before, whether  
my

my Lords of *Cant.* and *London* had not promis'd a paper, though they now deny'd it?

As far as I can recollect, my Lord *Preston* answered in these Words, or to this Sense — that the said Lords Bishops promis'd, that, if they should consent or agree upon a paper, they would present it to his Majesty before it was publish'd.

Bps. We then sayd, we were very few of the Bishops Bench in Town, with whom we could advise: that in so weighty a business the King might be pleas'd to summon up the rest.

K. The King answer'd, he had told my Lord of *Cant.* before, that it would be too far, and too late to send to *Carlisle*, or *Exeter*, or other remote parts: but if we there present would subscribe, he would afterwards send to those who were farther off for their concurrence.

Bps. We most humbly intreat, that this small number here present may not be separated from the rest, as if we were more suspected than others: farther we sayd, that the Lords Temporal were equally concern'd in the accusation; and we pray'd, that they might be call'd together, and join'd with us in consulting about this Protestation, requir'd of us alone.

K. The King hastily answer'd, Ay, I believe, some of the Temporal Lords have bin already with you, and caus'd you to change your minds.

Bps. We all solemnly declar'd the contrary: and the King put this off by saying, that he knew some, as my Lord *Preston* had bin with us.

Bps. We said, we understood, that divers of the Temporal Lords had bin with his Majesty upon this very occasion; and we humbly ask'd, whether he had demanded any such thing of them, as he now was pleas'd to do of us?

K. His



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K. His Majesty said, No, he had not. But it would be of more concernment to his service that we should do it, because we had a greater interest with the people.

Bps. We replied, that in matters of this nature, belonging to Civil Government and the affairs of war and peace, it was most probable, the Nobility would have a far greater influence on the Nation, than we: they being persons, who have a greater stake to venture, and the managing such matters belonging properly to them, not us.

K. But this is the method I have propos'd. I am your King. I am judge what is best for mee. I will go my own way. I desire your assistance in it.

Bps. Sir we have already made our personal vindication here in your Majesty's presence: your Majesty has condescended to say, you believe and are satisfy'd with it. Now, Sir, it is in your power to publish what we have here said to all the world in your royal Declaration, which, we hear, is coming forth.

Here also something was added, which I do not distinctly remember. I think, it was to this effect; that this way of mens being so called to purge themselves might be a thing of very tender concernment to the Liberties and Properties of the Subjects, especially of the Peers: and therefore we beg'd his Majesty would require no more of us in particular, but would rest content with publishing this our Declaration of our Innocency.

K. No; if I should publish it, the people would not believe mee.

Bps. Sir, the word of a King is sacred: it ought to be believ'd on its own authority: 'twould be presumption in us to pretend to strengthen it; and  
the

the people cannot but believe your Majesty in this matter.

K. They that could believe mee guilty of a false Son, what wil they not believe of mee?

Bps. But, Sir, all the Court sees us going in and out: and all the Town wil know the effect of what has bin done and said: and we shal own it every where.

K. And all the Town wil know what I have desired of you; so that it wil be a great prejudice to my affairs, if you deny mee.

Bps. We stil earnestly beseech'd his Majesty, that we might not be divided from the Temporal Peers: that at least he would appoint a select number of them to consult with us. The King still refusing to hear of that, and urging our immediate compliance: we told him, that the chief place for us to serve his Majesty effectually in was in a Parliament: and when he should please to call one to compose all the distractions of his Kingdoms, he should there find, that as we had alwaies shewn our personal affections to his Majesty, so that the true interest of the Church of *England*, was inseperable from the true interest of the Crown.

K. My Lords, that is a business of more time. What I ask now, I think of present concernment to my affairs. But this is the last time: I wil urge you no farther. If you wil not assist mee as I desire, I must stand upon my own legs, and trust to myself, and my own arms.

The substance and conclusion of our reply was; that as Bishops we did assist his Majesty with our prayers: as Peers, we intreated we might serve him in conjunction with the rest of the Peers, either by his Majesty's speedy calling a Parliament, or if that should be thought too long, by assembling together



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together with us as many of the Temporal Peers as were about the Town. This was not hearken'd to; and so we were dismiss'd.

*The Bishop of PETERBURGH's Relation of what pass'd with the King about Abhorrence, Nov. 6, 1688, [in a Letter to the Bishop of St. Asaph.]*

My deare Lord and Brother,

ABOUT tenne we mett, but in the way to the place appointed, my Lord Archbishop mett *Watson*, who desir'd to thrust himselfe in amongst us, but was refus'd. He went into the Bedchamber, and was sent away from thence by *Ld Preston* by the King's order, who was made acquainted with our exception. We enter'd the Closett, and the King demanded the Paper. We knew nothing of any Paper. *Rocheſter* and I declar'd we had no hand directly or indirectly in calling in the P. of *Orange*. The King sayd he believ'd so. The Archbishop sayd we had now done all that we could do: for we had satisfi'd his Majestie, and we were no way concern'd for any man's opinion besides: but defied and scorn'd it. But saies the King, you ought to vindicate yourselves. No Sir says he: We have been often abus'd by false Reports and Libels: After we had suffer'd a sharpe Prosecution at the Barre, your Majestie's Judges revil'd us all over the Nation, and being secure of our Innocence we have made no Complaints, nor endeavour'd to set ourselves faire in mens opinions. If your Majestie be  
satisfi'd

satisfy'd, as you declare yourselfe to be, we despise the opinions of others. But sayes the King you promis'd me a Paper of your Dislike. Twas answer'd, I promis'd to call the Bishops together, and to consult about it, &c. You promis'd me a Paper, and my Ld *Preston* was witnesse of it; upon which he was call'd, who sayd the same thing with a condition.

We argued against any farther Declaration, because the Paper against which we were to declare was not thought to be true; one of 500 did not believe it. We were joyn'd with the Temporall Lds, and if his Majestie expected any Declaration from us, it ought to be in conjunction with them. The most proper place was a Parliament: But if his Majestie's business would not suffer the delay of a Parliament, the next best was a Convention of the Peeres. No saies the King; give me leave to understand my owne business: Tis your Declaration which I desire: You are men belov'd in your Diocesses; and your Names and Examples will draw others. Twas answer'd, the Temporall Lds are farre more proper for that, whose great Estates give them great Interest. The Archbishop added, that we had lately suffer'd for meddling, as *Williams* sayd, with Affairs of State, and there told all the Story of our Tryall, and all this for meddling in publicque Affaires. The King still insisted on a Paper, and we on calling a Parliament, and in the interim the Temporall Lords: and so we parted under some Displeasure. I am

Your affect. Brother,

Novemb. 7th, 88.

T. P.



442 *Conference between the King and Bps*

It was said that the King might use our Names in his Declaration, if he so pleas'd, which would be equall to our Declaration, that we had not call'd in the Prince: But says he, the People will not believe me. We answer'd twas a shame that we should give Attestations to his Majestie's Words, which were sacred, &c. He need not feare we should retract our words, especially when the Retraction was treasonable, &c. He told the Archbishop and Bishop of *London*, that they had chang'd their minds; the Temporall Lords had turn'd them.

[Superscription]

To the right Reverend Father  
in God the Ld Bp of *St. Asaph*.

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Nº. LXXII.

*Bishop of LONDON concerning our\* inviting the  
Prince of Orange, and Abhorrence of his  
Designs.*

Nov. 6.

My Lord,

HAVING some necessary business in *Essex*, which calls me away to morrow for two or three days: I thought it my duty to give you this account.

[\* The Title in the Archbishop's hand.]

When

When I waited upon the King by his command on thursday morning the 1. of Nov. he told me, that he had sent for me, when he had nothing but the Declaration of the *States of Holland*, but that the Declaration of the Prince of *Orange* was now come to his hands; out of which he read to me the short Paragraph of the Lds Temporal and Spiritual inviting his Highnes over. Upon which I told him, I was confident the rest of the Bishops would as readily answere in the negative, as myself: and his Majestie was pleased then to say, He did beleeve us all innocent. Next he told me, he thought it requisite, we should make some publick Declaration of our innocence in this matter, and likewise an Abhorrence. I then desired to see the Declaration: but he refused. I told him this was a matter to be considered. Every one, sayes he, is to answere for himself: but I will send for my Lord of *Canterbury*, who shall call you together.

On Friday the 2d of Nov. I waited upon the the King with my Ld of *Canterbury*, &c. when his Majestie told him of the Prince's Declaration, and made the Ld. *Preston* read it. Then he put the question round, which was answered in the negative. Then the King desired some such Denial should be published, saying it would be for his service; but would not allow time to send for the Bishops at a distance. So his Grace told him he would send for those in and about Town to consult about it. Upon which the King repeated twice, that we should add our dislike, which would be very much for his service.

I have not time to write the last Conference, which I hope my Lds of *Rochester* and *Peterb.* will compleat.



N<sup>o</sup> LXXIII.*The Bishop of London's Reasons against giving  
any Paper of Abhorrence.*

1. **W**E humbly beseech your Majesty to receive what we offer, in a favourable sence, since we have done nothing, that can justly deserve misconstruction.

2. We humbly conceive that a generall clause in a Declaration, not avowed nor published, is not proof, or a sufficient ground for a man, or number of men to vindicate themselves, as if they were concerned in it. And further, if this Declaration should be owned and published by the Prince of Orange, we beg leave to offer it as our opinion to your Majesty, that it would be a new thing, and no good precedent to put it [in] the power of a forain and a general accusation to bring your Majesty's subjects in particular to a vindication of themselves, as if they were regularly accused, and legally tryed for a criminal correspondence.

3. If your Majesty should think fit to make it punishable to read or communicate this Declaration, then by making such an address as is required we should do an Act, grounded upon a thing, which must not be produced; and consequently we shall not be at liberty to alledge the reasons of our doing it, which must unavoidably expose us not only to censure, but suspicion.

4. As we have in all times adhered to our duty and allegiance, we are the less willing to do any thing now, which may distinguish us, as men  
marked

marked with a particular character of suspicion; since we think our loyalty less blemished by not being called in question, than it would be by the clearest vindication that can be made of it upon this occasion.

5. We beg leave to observe to your Majesty, that by an address from these few of us, who are now in Town, without the concurrence of the greater number, who are absent, it would look to the world, as if the Bishops (who, we hope, are very well united) were of differing opinions: or, that we, who are now here, had more particular need of a vindication than the rest; which maketh it reasonable for us to be unwilling to come within the danger of an interpretation.

6. We consider, that the clause in the Declaration joyneth the Lords Spiritual and Temporal; so that, if it has any meaning, it must intend, that there is a concurrence of many of both orders to invite them to this attempt; which would make it more improper for us, even though all the Bishops were here, to make a separate vindication, where the accusation is joyned and comprehends the temporal Lords in it; so that, if any notice is to be taken of it, it can be done no where so naturally or with so good effect, as in Parliament, which whenever your Majesty shall think fit to call, we resolve to do our duty, and to employ our utmost endeavours for the good of the Church and State, and for the preventing the miseries, which now seem to threaten these distracted Kingdoms, and to acquit ourselves in all things, which shall be there transacted, as becomes, &c.



Nº LXXIV.



N<sup>o</sup>. LXXIV.

*Vote of Thanks from the House of Commons  
to the Clergy of the Church of England;  
with an answer from the two Archbishops.*

Veneris 1<sup>mo</sup>. die Febr. 1688.

**R**ESOLVED *nemine contradicente* That the Thanks of this House be given to the Clergy of the Church of *England*, who have preached and written against Popery, and refused to read (in their Churches) the King's Declaration for Toleration, in opposition to the pretended dispensing power claimed in the late reign of King *James* the II<sup>d</sup>: And have opposed the illegal Ecclesiastical Commission.

Ordered,

That Mr. *Leveson Gower* and Mr. Auditor *Done* doe attend the two Archbishops with the sayd Resolve to the end their Graces may communicate the same to the Clergy in their respective Provinces.

PAUL JODRELL.

C. D. C,

The Sum of our <sup>a</sup> Answer; twice, or thrice repeated.

That what the Clergy of the Church of *England* had done in opposition to Popery, and the pretended dispensing power, was done out of the sense of the Duty we ow to God and our Country: for

<sup>a</sup> [The whole in Abp *Saneros*'s hand.]

we are true *Englishmen*, and true Protestants, and heartily love our Religion and our Laws; and esteem the very doing our Duty herein to be in itself a Reward, and a great Satisfaction without looking farther. Notwithstanding finding, that in what we have done, we have the generall Approbation of the Nation, and so publick a Testimony of it as a Vote of this Honourable House, we blesse God for so great an Encouragement; and we in the Name of the rest return our humble Thanks to the House, and will take care to communicate what they have voted to the Clergy in our respective Provinces.

Mr. Speaker;

We do not think it sufficient, that we have signified our gratefull Sense of the favourable Vote of your Honourable House, sent to us yesterday by two worthy Members thereof; unless we do also repeat the same to you under our Hands: and withall give you assurance (as we do hereby) that, so farr as our Observation can reach, the Bishops, and Clergy of *England* are unmoveably fixt to the Protestant religion; and absolutely irreconcilable both to Popery and arbitrary power. And so beseeching Almighty God, to direct all your Councells and Resolutions to his own Glory and to the good and well-fare both of Church and State; we humbly take leave, and subscribe ourselves,

your very affectionate

faithfull servants,

Febr. 2. 1688.

W. CANT.

THO. EBOR.

Mr.



Mr. Speaker;

We do not think it sufficient, that we have signified our gratefull sense of the favourable Vote of your Honourable House, sent to us yesterday by two worthy Members of the same; unless we do also repeat the same to you under our hands: and withall give you assurance (as we do hereby) that so farr as our observation can reach, the Bishops, and Clergy of *England* are unmoveably fixt to the Protestant Religion, and absolutely irreconcilable both to Popery, and to arbitrary power. And we humbly recommend to this Honourable House the care of preventing, and suppressing in the most effectual manner all Popish Doctrines and Practices; that henceforth they may find no admittance or encouragement among you, or us, or the people of this Nation: In which desire we are secure of the full and hearty concurrence both of the Bishops, and the whole body of the Clergy of this Church. And so beseeching Almighty God, to direct all your Counsells, and Resolutions to his own Glory, and to the good, and well-fare both of Church and State; we humbly take leave, and subscribe ourselves

your affectionate friends,

and faithful servants,

*Lamb-bith-House,*

Febr. 2d. 1688.

W. CANT.

THO. EBOR.

END OF THE FIRST VOLUME.

